NATION TAX MARKET	**KERALA AUTHORITY FOR ADVANCE RULING** **GOODS AND SERVICES TAX DEPARTMENT** **TAX TOWER, THIRUVANANTHAPURAM**	KERALA GST State Goods & Services Tax

BEFORE THE AUTHORITY OF : Shri Jomy Jacob IRS &

: Shri Mansur M.I.

Legal Name of the applicant	Radiantminds Rehab LLP (LLPIN: ACB-1066)
GSTIN	322500000470AR9
ARN	AD320125010577I
Address	22/425-A1, Narayana Vilas, Near Union Club, Thirunakkara, Kottayam, Kerala, Pin: 686001
Advance Ruling sought for	1. Whether the rehabilitation services provided by 'Radiantminds Rehab LLP' are eligible for exemption under the Serial No. 74A of Exemption Notification No. 28/2018- Central Tax (Rate) dated 31-12-2018.? 2. Whether 'Radiantminds Rehab LLP' is required to be registered under the provisions of GST Act, 2017 after considering the threshold limit for registration? 3. If our services fall outside the purview of exemption, then what is the rate of tax and HSN/SAC applicable to the services provided by Radiantminds Rehab LLP?
Date of Personal Hearing	19-05-2025.
Authorized Representative	Mathew.P.M, Chartered Accountant

AUTHORITY FOR ADVANCE RULING GST KERALA

ADVANCE RULING No.KER/14/2025 Dated 19.05.2025

1. M/s. Radiant minds Rehab LLP (LLPIN: ACB-1066), 22/425-A1, Narayana Vilas, Near Union Club, Thirunakkara, Kottayam, Kerala, PIN: 686001 (hereinafter referred to as the 'Applicant') is an LLP incorporated on 11-05-2023 under the Limited Liability Partnership Act, 2018. The Applicant is engaged in providing comprehensive therapeutic and recovery-focused services designed to improve the physical, mental, and emotional well-being of individuals. The services are delivered by licensed and certified rehabilitation professionals who are duly recognized under the Rehabilitation Council of India Act, 1992. These professionals include occupational therapists, speech therapists, and psychologists, etc., all of whom play a critical role in the delivery of evidence based rehabilitation interventions.

2. At the outset, the provisions of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as CGST Act) and the Kerala State Goods and Services Tax Act, 2017 (hereinafter referred to as KSGST Act) are same except for certain provisions. Accordingly, a reference hereinafter to the provisions of the CGST Act, Rules and the Notifications issued thereunder shall include a reference to the corresponding provisions of the KSGST Act, Rules and the Notifications issued thereunder.

3. The details of the issues on which advance ruling is sought are given above and are not being reproduced.

4. The contentions of the applicant:

4.1 The Applicant has submitted that they are engaged in providing comprehensive therapeutic and recovery-focused services designed to improve the physical, mental, and emotional well-being of individuals. The services are delivered by licensed and certified rehabilitation professionals who are duly recognized under the Rehabilitation Council of India Act, 1992. These

AUTHORITY FOR ADVANCE RULING GST KERALA

professionals include occupational therapists, speech therapists, and psychologists, etc., all of whom play a critical role in the delivery of evidence based rehabilitation interventions.

4.2 In the course of the virtual personal hearing held on 19.05.2025 and vide written submissions dated 20.05.2025, the applicant submitted that it is a settled position that professional services, by their very nature, can be rendered only by individuals possessing the requisite qualifications and statutory recognition, and the organizational structure, whether an individual practice, partnership firm, or LLP does not alter the fact that the services are provided by qualified professionals. This principle is evident in medical establishments like hospitals, where treatment is permitted only by registered medical practitioners, even if the hospital is structured as a company, LLP, or trust. The GST exemption under Entry 74A of Notification No. 28/2018 is linked to the nature of the service and the qualifications of the professionals rendering them, not the legal form of the establishment. In the case of rehabilitation professionals recognized under the Rehabilitation Council of India Act, 1992, their services, whether delivered individually or through an LLP remain eligible for exemption, as the LLP functions merely as a regulatory framework for organized service delivery. Denying exemption based on the entity's structure would undermine the legitimacy of recognized professional setups. Radiantminds Rehab LLP, registered as a medical establishment and licensed by the Kottayam Municipality, qualifies for this exemption, as the services are rendered by qualified professionals, fulfilling the criteria under Entry 74A.

4.3 Further the Limited Liability Partnership (LLP) structure, recognized under the Limited Liability Partnership Act, 2008, has been statutorily permitted and encouraged as a lawful framework for delivering professional services by qualified individuals such as doctors, lawyers, chartered accountants, rehabilitation professionals, and other regulated practitioners, with an emphasis on promoting professionalism, accountability, and operational transparency. It has not been restricted under the Rehabilitation Council of India Act, 1992, which, instead, has intended that services be rendered by qualified professionals at medical establishments, irrespective of the legal structure through which they are organized. Accordingly, exemption under Entry 74A of Notification No. 28/2018 should not be denied to Radiantminds Rehab LLP merely because it is a structured entity, when the services are provided by rehabilitation professionals duly recognized under the RCI Act. In multidisciplinary setups like that of Radiantminds Rehab LLP, where integrated care involving clinical psychologists, speech therapists, occupational therapists, and special educators is routinely delivered, services are rendered collaboratively and simultaneously as part of a holistic treatment plan, making it operationally impractical for separate bills to be generated by each individual professional. Instead, a consolidated invoice is issued by the LLP, in alignment with standard healthcare practices observed in medical establishments, where billing is typically handled institutionally while services are delivered by individual professionals. In such cases, the LLP functions as an administrative facilitator and conduit, ensuring compliance and patient convenience, without altering the fact that services are being rendered by RCI-recognized professionals. Consequently, billing by the LLP should be deemed consistent with the requirements of Entry 74A, and exemption should not be denied solely based on the manner of billing, provided that all substantive conditions of the notification are fulfilled.

4.4 Further more the relevant portion of Notification No. 28/2018, when read plainly, conveys that services provided by rehabilitation professionals recognized under the Rehabilitation Council of India Act, 1992, by way of rehabilitation, therapy, counselling, or other activities covered under the said Act, are exempt when rendered at medical establishments, educational institutions, or rehabilitation centers, with the qualifying phrase "established by Central Government, State Government or Union territory or an entity registered under section 12AA of the Income-tax Act, 1961" grammatically applying only to "rehabilitation centers" and not to "medical establishments" or "educational institutions," in accordance with the settled principle of statutory interpretation known as the "Rule of Last Antecedent." As a result, it is to be understood that

AUTHORITY FOR ADVANCE RULING GST KERALA

no restriction has been imposed on the nature of the entity establishing medical establishments or educational institutions, while such a restriction has been imposed solely in respect of rehabilitation centers. This interpretation, which preserves the natural grammatical meaning and aligns with the intended objective of the exemption i.e., to provide relief for essential rehabilitation services delivered in structured, professional, and medically equipped environments supports the position that Radiantminds Rehab LLP, being a lawfully constituted and fully operational medical establishment, registered with the competent local authority and staffed by professionals recognized under the RCI Act, falls squarely within the ambit of Entry 74A. Therefore, it is to be concluded that neither the legal form of the service provider nor the mode of billing, whether individual or consolidated through an LLP should affect eligibility for exemption under Entry 74A, so long as the services are rendered at a medical establishment by duly recognized rehabilitation professionals.

5. Comments of the Jurisdictional Officer:

The application was forwarded to the jurisdictional officer in accordance with the provisions of Section 98(1) of the CGST Act. The jurisdictional officer has reported that the issue raised in the present application is neither pending nor decided in any proceedings under any provision of the Act.

6. Personal Hearing:

The applicant was granted an opportunity for a personal hearing on 19.05.2025. Mathew.P.M, Chartered Accountant of the business concern, appeared for the hearing and reiterated the contentions made in the application. He requested that a ruling be issued based on the submissions made therein, which were also presented during the hearing.

7. Discussion and Findings:

7.1. On carefully reviewing the advance ruling application and the submissions made during the personal hearing, we have found that the questions for which

AUTHORITY FOR ADVANCE RULING GST KERALA

the advance ruling is being sought fall within the scope of clause (b) & (e) of sub-section (2) of section 97 of the CGST Act, which pertain to the "applicability of a notification issued under the provisions of this Act" and the "determination of the liability to pay tax on any goods or services or both". Therefore, the application has been accepted for further consideration based on its merits.

7.2 The matter was examined in detail. The issue to be decided is whether the rehabilitation services provided by 'Radiantminds Rehab LLP' are eligible for exemption under the Serial No. 74A of Exemption Notification No. 28/2018-Central Tax (Rate) dated 31-12-2018 and if not the relevant GST rate and HSN/SAC applicable to the services provided by the applicant. The applicant submitted the following document solely for the purpose of substantiating the claims made-

- *CERTIFICATE OF IFTE & OS LICENSE issued by Kottayam Municipality (License No : BFIF01-M050400-00090-2024) valid upto 07.04.2025*
- *Renewal of Registration Certificate under the Kerala Municipality Act (Registration of private hospitals and private paramedical institutions) Rules, 1997.*

7.3. In order to decide the issue, it is necessary to examine the relevant entries in the exemption Notification No.12/2017-Central Tax (Rate) dated 28-06-2017 as amended vide Notification No. 28/2018 dated 31.12.2018 in the light of the submissions made by the applicant. The first contention of the applicant is that the GST exemption under Entry 74A of Notification No. 28/2018 is linked to the nature of the service and the qualifications of the professionals rendering them, not the legal form of the establishment. The relevant entry in Notification No.12/2017-Central Tax (Rate) dated 28-06-2017 amended vide Notification No. 28/2018 dated 31-12-2018 is reproduced below;

> *Services provided by rehabilitation professionals recognised under the Rehabilitation Council of India Act, 1992(34 of 1992) by way of rehabilitation, therapy or counselling and such other activity as*

AUTHORITY FOR ADVANCE RULING GST KERALA

covered by the said Act at medical establishments, educational institutions, rehabilitation centers established by Central Government, State Government or Union territory or an entity registered under section 12AA of the Income-tax Act, 1961 (43 of 1961).

7.4 On a plain reading of the above entry, it is evident that the exemption under the above entry is applicable for the entities specified therein who are engaged in providing the specified services. The exemption is available to the services provided by rehabilitation professionals recognised under the Rehabilitation Council of India Act, 1992 at medical establishments, educational institutions, rehabilitation centers established by Central Government, State Government or Union territory or an entity registered under section 12AA of the Income-tax Act, 1961.

7.5 Courts in India have consistently held that legislative intent is paramount in interpreting statutes and delegated legislation. If intent is clearly discernible, interpretation must conform to that intent, even if the literal words might suggest a different or narrower meaning. In order to ascertain the true purport and scope of the exemption introduced via Entry 74A of Notification No. 12/2017-CT (Rate), as amended by Notification No. 28/2018-CT (Rate), it is imperative to examine the legislative intent underlying the said amendment. For this purpose, the recommendations of the GST Fitment Committee as mentioned in the Agenda Notes for 31st GST Council Meeting, which formed the basis for the amendment and were placed before the GST Council for consideration, provide essential interpretative guidance. The Fitment Committee's recommendation forming the basis of Serial No. 74A of Notification No. 12/2017-Central Tax (Rate), as amended by Notification No. 28/2018-Central Tax (Rate), was deliberated during the 31st GST Council Meeting held on 22.12.2018. As recorded in Annexure II to the Agenda, the exemption was proposed for services rendered by rehabilitation professionals recognized under the Rehabilitation Council of India Act, 1992, in view of their critical role in delivering affordable rehabilitative care across a wide

AUTHORITY FOR ADVANCE RULING
GST
KERALA

range of institutions including medical establishments, schools, NGOs, trusts, and private bodies. It was specifically acknowledged that such services were being provided at various levels including private clinics and individual practices reflecting the decentralised nature of rehabilitation delivery. However, the Fitment Committee, recognizing the potential for misuse of this exemption, recommended that the restriction regarding establishment by the government or charitable institutions under Section 12AA of the Income-tax Act should apply only to rehabilitation centres. The relevant note stated: "to prevent misuse, exemption may be restricted to rehabilitation centres established by Central Government/State Government/Union Territories or entities registered under Section 12AA of the Income-tax Act." No such restriction was proposed in relation to 'medical establishments' or 'educational institutions'. This structure and legislative intent were reflected in the final wording of Entry 74A, thereby supporting the interpretation that the ownership based restriction was consciously limited to rehabilitation centres and not extended to medical establishments or educational institutions. The relevant portion of the Agenda Notes for 31st GST Council Meeting is reproduced below-

2.	Request to exempt levy of GST on services offered by psychologists and special/ remedial educators and all other rehabilitation professionals as recognized by the Rehabilitation Council of India from GST.	Recommendation: Agreed for exemption as no serious revenue implication. We may exempt the services supplied by rehabilitation professionals recognised under RCI Act, 1992 by way of rehabilitation/therapy/counseling and such other activity as covered by the RCI Act, 1992 at medical establishments, educational institutions, rehabilitation centers established by

Sl. No.	Proposal	Comments
	Reference: Bombay Psychological Association Trust; Ministry of Social Justice and Empowerment, Govt. of India	Central Govt/ State Govt or Union Territories or entity registered under section 12AA of the Income-tax Act. Discussion: 1. Allied health professionals constitute an important and integral force in the healthcare sector. They provide services at various levels, such as at medical establishments, private nourishing homes, various rehabilitation centers established by governments, schools, private bodies, trusts, NGOs and individual clinics. Since these professionals play a crucial role in health sector, we may exempt the services of rehabilitation professionals recognized under RCI Act, 1992 so as to make the rehabilitation healthcare services affordable to needy sections of society, such as students/ divyangjan and likes. 2. To restrict the misuse of this exemption, the exemption may be restricted to medical establishments, educational institutions, rehabilitation centers established by Central Govt/ State Govt or Union Territories or entity registered under section 12AA of the Income-tax Act. Most of these professionals are not collecting GST, the revenue implication for the exemption proposal would be minimal. Further, it will be a goodwill gesture to tax rehabilitation professionals who are serving a large section of disadvantaged, mentally and physically sick and unwell section of society in the country.

7.6 Accordingly, the phrase "established by Central Government, State Government or Union Territory or an entity registered under Section 12AA of the Income-tax Act" should be construed to qualify only the term 'rehabilitation centres' and not the earlier terms 'medical establishments' or 'educational institutions'. Thus, where services are rendered by RCI recognised professionals at a validly recognized medical establishment, the exemption under Entry 74A could be claimed regardless of ownership. As per the current provisions, the applicant who is engaged in delivering comprehensive therapeutic and recovery oriented services aimed at enhancing the physical, mental, and emotional well being of individuals through licensed and certified rehabilitation professionals recognized under the Rehabilitation Council of India Act, 1992 may claim exemption under Sl. No. 74A of Notification No. 12/2017-Central Tax (Rate), as

AUTHORITY FOR ADVANCE RULING
GST
KERALA

amended by Notification No. 28/2018-Central Tax (Rate), provided they satisfy one of the following conditions:

i. They are a medical establishment;
ii. They are an educational institution; or
iii. They are a rehabilitation centre established by the Central Government, State Government, Union Territory, or by an entity registered under Section 12AA of the Income-tax Act, 1961.

In this case, the applicant does not claim to be an educational institution. Further, it is also evident that their centre has not been established by any government body, nor is it registered under Section 12AA of the Income tax Act. Therefore, the only possible ground on which the exemption can be availed is if the applicant qualifies as a *medical establishment*.

7.7 However, in the present case, the applicant, M/s. Radiant Minds Rehab LLP, has not established that it qualifies as a 'medical establishment' within the meaning of the applicable health regulations in the State of Kerala. The applicant has submitted a certificate of registration issued by the Kottayam Municipality under the Kerala Municipality (Registration of Private Hospitals and Private Paramedical Institutions) Rules, 1997. Further, they were specifically asked whether they were in possession of any document evidencing their status as a medical establishment and vide letter/mail dated 11-06-2025, they submitted that they are in possession of 'Udyam Registration Certificate' issued by MSME which evidence their registration under MSME framework relating to the lawful operation of their rehabilitation service under framework. On careful examination of the certificate issued by Kottayam Municipality, it is found that the said registration is issued for administrative purposes under municipal law, specifically to ensure that no private hospital or paramedical institution is established within the municipal limits without prior registration. The inspection process under these Rules focuses on site conditions such as cleanliness, safety

AUTHORITY FOR ADVANCE RULING GST KERALA

of the building, and correctness of application particulars not on any clinical standards or healthcare service criteria. From the verification of MSME certificate, it seems that the said certificate has been issued in respect of "6909 - Other human health activities n.e.c. including independent ambulance activities". The said certificate is also insufficient to conclude that they are a medical establishment.

7.8 In contrast, the Kerala Clinical Establishments (Registration and Regulation) Act, 2018, is a comprehensive statutory framework that governs the establishment and functioning of all clinical establishments in Kerala, across all recognised systems of medicine. Under this law, all private entities including those engaged in rehabilitative or paramedical service are mandatorily required to obtain registration from the competent State authority. This registration is based on parameters such as staffing, infrastructure, medical equipment, record keeping, and quality of care standards. It is this registration which confers legal recognition upon an entity as a medical establishment in the context of health regulation. The municipal certificate submitted by the applicant, while valid for local administrative compliance, does not meet the substantive criteria for recognition as a medical establishment under the relevant State legislation. Accordingly, even though the ownership based restriction under Entry 74A may not apply to medical establishments, the applicant is not eligible for exemption on this separate and independent ground that it is not registered as a clinical or medical establishment as per the regulatory framework governing healthcare service providers in Kerala.

7.9 With respect to the second question on the requirement of registration under the GST Act, it is noted that as per Section 22 of the CGST Act, 2017, any person making taxable supplies of services is liable to register once the aggregate turnover exceeds ₹20 lakh in a financial year (₹10 lakh for certain special

AUTHORITY FOR ADVANCE RULING GST KERALA

category states). Section 23 provides an exception for persons engaged exclusively in supplying exempt goods or services, in which case registration is not required irrespective of turnover. However, in the present case, since the services provided by the applicant do not qualify for exemption under Entry 74A, they are to be treated as taxable supplies. Accordingly, Radiantminds Rehab LLP cannot claim the benefit of the exclusion under Section 23. As such, the applicant becomes liable for GST registration once the turnover crosses the prescribed threshold. Until that limit is reached, the applicant may remain unregistered, but must monitor aggregate turnover on a continuing basis and ensure compliance as soon as the limit is exceeded.

7.10 On the third question with respect to the classification and taxability of the services provided by the applicant, it is observed that the activities undertaken such as therapy, counselling, and other rehabilitation related services by professionals like occupational therapists, speech therapists, and psychologist fall under the broad category of human health services. Since the services do not qualify for exemption under Entry 74A of Notification No. 12/2017-CT (Rate), they are to be treated as taxable supplies. As per the explanatory notes to the Scheme of Classification of Services, these services are appropriately classifiable under Service Accounting Code (SAC) 999319, which covers 'Other human health services.' This category is residual in nature and includes human health services not elsewhere classified. Accordingly, GST is applicable at the standard rate of 18% (9% CGST + 9% SGST) on such services.

8. In the light of the facts and legal position as stated above, the following ruling is issued:

AUTHORITY FOR ADVANCE RULING GST KERALA

RULING

Question:1 Whether the rehabilitation services provided by 'Radiantminds Rehab LLP' are eligible for exemption under the Serial No. 74A of Exemption Notification No. 28/2018- Central Tax (Rate) dated 31-12-2018.?

Ruling: No, the rehabilitation services provided by Radiantminds Rehab LLP are not eligible for exemption under Serial No. 74A of Notification No. 12/2017-Central Tax (Rate), as amended by Notification No. 28/2018-Central Tax (Rate).

Question:2. Whether 'Radiantminds Rehab LLP' is required to be registered under the provisions of GST Act, 2017 after considering the threshold limit for registration?

Ruling: Yes, Radiantminds Rehab LLP is required to be registered under the provisions of the GST Act, 2017, if its aggregate turnover exceeds the prescribed threshold limit, as per the applicable provisions outlined under Sections 22 and 24 of the CGST Act, 2017.

Question: 3. If their services fall outside the purview of exemption, then what is the rate of tax and HSN/SAC applicable to the services provided by, Radiantminds Rehab LLP?

Ruling: Accordingly, GST shall be levied at the rate of 18% under SAC 999319, which covers 'Other human health services.'

Jomy Jacob IRS	**Mansur M.I.**
Additional Commissioner of Central Tax	Joint Commissioner of State Tax
Member	Member

OFFICE OF THE COMMISSIONER STATE G.S.T.D KERALA ★ THIRUVANANTHAPURAM ★

AUTHORITY FOR ADVANCE RULING ★ GST KERALA

To

Radiant minds Rehab LLP (LLPIN: ACB-1066)

22/425-A1, Narayana Vilas,

Near Union Club,

Thirunakkara,

Kottayam, Kerala, PIN: 686001

Copy submitted to:

1. The Chief Commissioner of Central Tax and Central Excise, Thiruvananthapuram Zone, C.R.Building, I.S.Press Road, Cochin- 682018. [E-mail ID: cccochin@nic.in; ccu-cexcok@nic.in]
2. The Commissioner of State Goods and Services Tax Department, Tax Towers, Karamana, Thiruvananthapuram – 695002.
3. The Commissioner of Central Tax and Central Excise, Thiruvananthapuram Commissionerate, GST Bhavan, Statue, Thiruvananthapuram. (E-mail id: commr-tvmhqrs@gov.in)

Copy to :

1. The Additional Commissioner, TPS, HQ, Thiruvananthapuram.
2. The Deputy Commissioner, ITMD, Thiruvananthapuram.
3. The Assistant Commissioner/State Tax Officer, Tax payer services Circle, Kottayam Town, Kottayam
4. The Superintendent, Central Tax, Kottayam Range, Kottayam Division.

AUTHORITY FOR ADVANCE RULING
GST KERALA