

**PUNJAB AUTHORITY FOR ADVANCE RULING
GOODS AND SERVICE TAX, BHUPINDRA ROAD PATIALA
147001, PUNJAB**

ORDER NO. AAR/GST/PB/018

DATED: 20.09.2022

(An Appeal against this order lies with the Appellate Authority in terms of Section 99 and Section 100 of the CGST Act, 2017 and Section 99 and Section 100 of the PGST Act, 2017 within a period of thirty days from the date of communication of this order.)

Present:

1. Ms. Varinder Kaur, Additional Commissioner of Central Tax (Central Tax)
2. Mr. Viraj Shyamkarn Tidke, Additional Commissioner of State Tax-1 (State Tax).

Application Details:

GSTIN	03AANFT9337N1ZH
Legal Name	M/s Tarsem Chand Garg Contractor
Trade Name	M/s Tarsem Chand Garg Contractor H. No. 130, Nangal Colony, Waterworks Road, Mansa.
Issue(s) on which advance ruling is sought.	<ol style="list-style-type: none">1. Whether Punjab Water Supply or Sewerage Board is body of Local Authority/Municipal Committee or not?2. Whether manpower supply for Sewerage cleanliness is covered under entry no. 6 of Twelfth Schedule of Article 243 W of Constitution of India.3. Whether manpower supply made to Sewerage Boards for sewerage cleanliness is covered under trade mention in Serial No. 3 of Notification no. 12/2017 dated 28.06.2017.4. Whether Manpower supply to sewerage Board for Sewerage Cleanliness is liable to Tax or not under CGST/SGST/IGST.
Personal Hearing Date	11.02.2022 & 18.02.2022
Hearing Attended by	None appeared
Order Date	20.09.2022

1. M/s Tarsem Chand Garg Contractor, H. No. 130, Nangal Colony, Waterworks Road, Mansa. (GST Registration No. 03AANFT9337N1ZH) is engaged in the business of supplying manpower to Punjab Water & Sewerage Board for sewerage cleanliness.

2. Proceedings Under Section 98 of CGST/PGST Act:

In this regard personal hearings were held on 11.02.2022 and 18.02.2022 before the Advance Ruling Authority, Punjab. Neither applicant appeared nor any written reply was submitted by him. Jurisdictional Authority had earlier submitted their written submissions vide letter no. 1868, dated 01.08.2019, which is placed on file. It was observed that Applicant had deposited only Rs. 5,000/- fee under SGST while filling Advance ruling application. In this regard, notices dated 28.02.2022, 31.03.2022 and 01.09.2022 were issued to the applicant to deposit the requisite fee of Rs. 5,000 for CGST as prescribed under the Act. But the applicant has not deposited the prescribed requisite fee Rs. 5000/-under CGST.

3. QUESTION(S) ON WHICH ADVANCE RULING IS SOUGHT:

1. Whether Punjab Water Supply or Sewerage Board is body of Local Authority/Municipal Committee or not?
2. Whether manpower supply for Sewerage cleanliness is covered under entry no. 6 of Twelfth Schedule of Article 243 W of Constitution of India.
3. Whether manpower supply made to Sewerage Boards for sewerage cleanliness is covered under trade mention in Serial No. 3 of Notification no. 12/2017 dated 28.06.2017.
4. Whether Manpower supply to sewerage Board for Sewerage Cleanliness is liable to Tax or not under CGST/SGST/IGST.

4. ELIGIBILITY OF THE APPLICATION FOR ADVANCE RULING

The Section 97(2) of the Central Goods and Services Tax Act, 2017, read with Section 97(2) of the Punjab Goods and Services Tax Act, 2017, provides for the issues on which advance ruling can be sought.

97(2) The question on which advance ruling is sought under this Act, shall be in respect of,-

- (a) Classification of any goods or services or both;*
- (b) Applicability of a notification issued under the provisions of this Act;*
- (c) Determination of time and value of supply of goods or services or both;*
- (d) Admissibility of input tax credit of tax paid or deemed to have been paid;*
- (e) Determination of the liability to pay tax on any goods or services or both;*
- (f) Whether applicant is required to be registered;*

(g) whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.

It is observed that the queries of the applicant in para III is related to the issues “*Applicability of a notification issued under the provisions of this Act*”. Hence, The questions raised by the applicant falls under the ambit of Section 97(2) of the CGST Act, 2017, read with Section 97(2) of the PGST Act, 2017. Hence, the application of the applicant is eligible for a ruling by the Punjab State Advance Ruling Authority.

5. SUBMISSIONS BY THE APPLICANT: - Along with Application, the applicant had submitted Notification no. 12/2017 Central Tax (Rate) dated 28.06.2017 and Twelfth Schedule (Article 243W of the Constitution (Seventy-fourth Amendment) Act, 1992). Nothing else has been submitted by the applicant.

6. SUBMISSIONS BY THE JURISDICTIONAL AUTHORITY: -

The jurisdictional Assistant Commissioner State Tax, Mansa vide letter No. 1868, dated 01.08.2019 furnished their comments wherein they inter alia submitted as under: -

1. That M/s Tarsem Chand Garg Contractor. GSTIN: 03AANFT9337N1ZH has sought advance ruling on the question that whether manpower supply to Sewerage Board for sewerage cleaning is liable to pay tax (CGST/SGST/IGST) or not.
2. The registered person has stated that he supplies manpower to Punjab Water & Sewerage Board for sewerage cleanliness. The Punjab Water & Sewerage Board is a body constituted under the Punjab Water Supply & Sewerage Board Act, 1976 (Punjab Act No 28 of 1976) and function under the administrative control of department of Local Government, Government of Punjab. Therefore, the Board is a government authority. Further as per entry no. 6 which read as “Public Health, Sanitation Conservation and Solid Waste Management” of Schedule Twelfth of the Constitution of India, these functions are entrusted to a Municipality under article 243W of the Constitution of India. Therefore, sewerage cleaning work can be said to be falling under sanitation conservancy work.
3. In this regard, this office is of the view that in accordance with Notification No. 12/2017 Central Tax (Rate) dated 28.06.2017 of Govt.

(g) whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.

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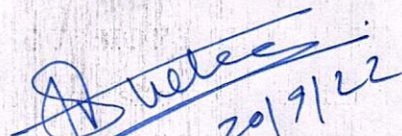
of India "Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or Local authority or a Government authority by way of any activity in relation to any function entrusted to a panchayat under article 243G of the Constitution or in relation to any function to any function entrusted to a Municipality under article 243W of the Constitution" are nil rated.

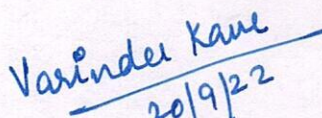
4. Therefore, on the basis of above facts and discussion, it is opined that pure services in the form of manpower supply only as provided by the M/s Tarsem Chand Garg Contractor to the Punjab Water Supply and Sewerage Board can be construed to be falling under aforesaid notification.

7. **DISCUSSIONS AND FINDINGS:**

The requisite fee for filling Advance Ruling application is Rs. 10,000/- (Rs. 5,000 each for CGST and SGST), but the applicant has deposited only Rs. 5,000/- under SGST Act. Despite giving multiple opportunities, the applicant has not deposited the required pending fee of Rs. 5,000 under GCST Act. Thus, the application is hereby filed without any Advance ruling.

Note: The provisions of CGST Act, 2017 and PGST Act, 2017 are almost same except a few provisions. Unless specific reference is made to such dissimilar provisions in the two acts, reference to provisions of CGST Act, 2017 would mean a reference to the same provisions of PGST Act, 2017 and vice versa.


Viraj Shayamkarn Tidke
Member, SGST


Varinder Kaur
Member, CGST

Through Regd. Post

To

M/s Tarsem Chand Garg Contractor
H. No. 130, Nangal Colony, Waterworks Road,
Mansa

No.PB/AAR/2022/146-151

Dated: 29/9/2022

Copy to:

1. The Special Secretary, Goods and Service Tax Council, 5th floor, Tower-II, Jeevan Bharti Bldg., Connaught Place, New Delhi w.r.t. F. No. 193/Advance Ruling/ GSTC/2017 dated 01.05.2018.
2. The Commissioner of State Taxes, Punjab.
3. The Commissioner, CGST, Ludhiana, GST Bhawan, Rishi Nagar, Ludhiana.
4. The Assistant Commissioner, CGST Division, Barnala.
5. The Assistant Commissioner of State Taxes, Mansa.