
	RAJASTHANA AUTHORITY FOR ADVANCE RULING GOODS AND SERVICES TAX KAR BHAWAN, AMBEDKAR CIRCLE, NEAR RAJASTHAN HIGH COURT JAIPUR – 302005 (RAJASTHAN)		
	ADVANCE RULING NO. RAJ/AAR/2023-24/22		

Mahipal Singh Additional Commissioner	:	Member (Central Tax)
Mahesh Kumar Gowla Additional Commissioner	:	Member (State Tax)
Name and address of the applicant	:	M/s Shri Digamber Jain Sidhkut Chaityalaya Temple Trust, Soni Ji Ki Nasiya, Agra Gate, Ajmer - 305001, Rajasthan
GSTIN of the applicant	:	Un-registered
Clause(s) of Section 97(2) of CGST/SGST Act, 2017, under which the question(s) raised	:	(e) determination of the liability to pay tax on any goods or services or both.
Date of Personal Hearing	:	16.11.2023 & 01.01.2024
Present for the applicant	:	Shri Sanjeev Jain, CA
Date of Ruling	:	26.03.2024

Note 1: 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.

Note 2: At the outset, we would like to make it clear that the provisions of both the CGST Act and the SGST 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 SGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, a reference to such a similar provision under the CGST Act / SGST Act would be mentioned as being under the "GST Act".

The issue raised by M/s Shri Digamber Jain Sidhkut Chaityalaya Temple Trust, Soni Ji Ki Nasiya, Agra Gate, Ajmer - 305001, Rajasthan (hereinafter the applicant) is fit to pronounce advance ruling, as it falls under the ambit of the Section 97(2) (a) given as under:

(e) determination of the liability to pay tax on any goods or services or both;

A. SUBMISSION OF THE APPLICANT (IN BRIEF):-

M/s Shri Digamber Jain Sidhkut Chaityalaya Temple Trust, Soni Ji Ki Nasiya, Agra Gate, Ajmer - 305001, Rajasthan (hereinafter the applicant), enacted under special Act of State Legislative Assembly. The applicant is a religious trust, duly registered u/s 12AA of the Income Tax Act, constituted for the purpose of worship and puja according to the Terapanth sect (Amnaya) of the Digamber Jain religion and to organize the various necessary religious ceremonies and proper upkeep and management of the various Upkarans (articles) Ratha etc. Temple consisting of main hall with roof having gold and glass workmanship and inner room containing 3 marble vedies, three Shikhars on temple roofs of karauli sand out stone with golden kalash and railings.

Temple hall (Ayodhya Nagri) containing golden models of Sumeru Parwat with 13 continents and golden city of Ayodhya and Prayag including model of procession around the city of Ayodhya with walls and room decorated with mirrors, paintings and vimans hung in the hall. The display is aimed at advancement of religion by inculcating religious concepts in devotees / visitors.

Applicant collects entry fee from the pilgrims/visitors/devotees who come for darshan of Temple Hall. The amount so collected is used for upkeep / maintenance of Temple Hall and to fulfill other objects of the trust.

B Interpretation and understanding of applicant on question raised (in Brief)

- 1) Assessee is constituted as a trust and registered u/s 12AA of the Income Tax Act, 1961.
- 2) As per Entry no 1 of the Section 11 of the GST Act, 2017 'Services provided by an entity registered u/s 12AA of the Income Tax Act, 1961 by way of charitable Activities is Exempted under the Goods and Service Tax Act, 2017.
- 3) Charitable activities mean activities relating to-
 - a) Public Health
 - b) Advancement of Religion, Spirituality or Yoga
 - c) Advancement of Educational Programs/Skill Development
 - d) Preservation of Environment including watershed, forest & wildlife.
- 4) The trust is created by the applicant for the purpose of advancement of Jain religion. Temple is built in honor of Lord Rishabdev, first of the 24 Tirthankars. In the temple five great and auspicious events of the Lord Rishabdev called Panchkalyanak (conception, birth, renunciation, attainment of omniscience and salvation) have been exhibited by means of models which are all pasted with gold leaf.

Temple hall containing golden models of Sumeru Parwat with 13 continents and golden city of Ayodhya and Prayag including model of procession around the city of Ayodhya with walls and room decorated with mirrors, paintings and vimans hung in the hall.

The whole structure of the temple was constructed in accordance with the description contained in Adi Purana and constituted for the purpose of organizing the various religious ceremonies in accordance with the Digamber Jain religion and to proper upkeep and management of the various Upkarans (article's) Ratha etc. Temple consisting of main hall with roof having gold and glass workmanship and inner room containing 3 marble vedies, three Shikharas on temple roofs of karauli sand out stone with golden kalash and railings.

Temple was built and constructed in accordance with the Jain Scripture/ Mythology and open for the general public to visit the temple. By visiting the temple, visitors/devotees can understand the five auspicious events of the Lord Rishabdev Ji, First tirthankar through the models of the Golden City of Ayodhya and Sumeru Mountain and values of the Jain religion. By visiting the temple devotee can diverse from negative thinking, understand the significance of jain culture. silent environment also helps to increase their power of concentration and increase the good deeds by offering help.

- 5) Entity is registered u/s 12AA of the Income Tax Act, 1961 and all the activities are performed by the trust for the advancement of Religion, Spirituality or Yoga and it is covered under the definition of charitable activity. Hence the entry fee collected from the devotee / pilgrims / visitors is exempt under the Goods and Service Tax Act.

Additional submission is as follow-

1. As per Sr. No. 1 of Notification No. 12/2017, Central Tax (Rate), dated 28th June, 2017, 'Services provided by an entity registered u/s 12AA of the Income Tax Act, 1961 by way of charitable Activities is exempted under the Goods and Service Tax Act, 2017.
2. In the said notification, there is another entry at Sr. No. 13, which seeks to exempt certain incomes of entity registered as a charitable or religious trust under section 12AA of the Income-Tax Act, 1961. However exemption given under Sr. No. 1 is different from the exemption given vide Sr. No. 13 and both the exemptions can be simultaneously availed of by any eligible entity.
3. The applicant entity is a Religious Trust which is also registered u/s 12AA of the Income Tax Act, 1961 and all the activities are performed by the trust for the advancement of Religion, Spirituality or Yoga and it is covered under the definition of charitable activity.
4. Visitors / pilgrims from all segments of the society, irrespective of caste and creed are permitted to visit the temple hall on nominal fee payment of Rs. 20/- per person, application for FY 2022-23.

5. Fee is charged from visitors / pilgrims who come to the temple hall (Ayodhya Nagri) for providing them an insight into the principles of Jainism and teachings of Lord Rishabhdev.

6. Sample copy of the booklet containing pictorial description and write-up, which is used to educate the visitors and describe the fundamentals of Jainism and preachings of Jain Tirthankaras.

7. Hence the entry fee collected from the devotee / pilgrims / visitors is exempt under the Goods and Service Tax Act, because the activities of the trust are being carried out for the purpose of advancement of religion and it is having registration u/s 12AA of the Income-tax Act, 1961. These activities are covered under the definition of Charitable Activities (advancement of religion) and exempt from GST as per Entry No 1 of the referred notification.

C. QUESTIONS ON WHICH THE ADVANCE RULING IS SOUGHT:-

1. Whether the entry fee collected from the visitors/devotees/pilgrim by the applicant is taxable supply under GST Act?

D. PERSONAL HEARING

In the matter personal hearing was granted to the applicant on 16.11.2023 and 01.01.2024. Shri Sanjeev Jain CA, Authorized Representative appeared for personal hearing. He reiterated the submission already made in written submission and also wants to submit some additional documents regarding entry fee, trust deed and trustee decision related to use of entry fee and specimen copy of ticket within 7 days which is received on 29.11.2023.

E. COMMENTS OF THE JURISDICTIONAL OFFICER

Applicant is unregistered with the department so no comments have been sought from field formations.

F. FINDINGS, ANALYSIS & CONCLUSION:

1) We have carefully examined the statement of facts, supporting documents filed by the Applicant along with application, oral and written submissions made at the time of hearing. We have also considered the issues involved, on which advance ruling is sought by the applicant, and relevant facts. We would like to discuss the submission made by applicant and will take up the above question for discussion as under.

2) On perusal of order for provisional registration submitted by the applicant, we find that Applicant is a Religious Trust, duly registered u/s 12AA of the Income Tax Act for the period of AY 2022-23 to AY 2026-27, constituted for the purpose of worship and puja according to the Terapanth sect (Amnaya) of the Digamber Jain religion and to organize the various necessary religious ceremonies and proper upkeep and management of the various Upkarans (articles) Ratha etc.

3) Applicant collects entry fee from the pilgrims/visitors/devotees who come for darshan of Temple Hall. The amount so collected is used for upkeep / maintenance of Temple Hall and to fulfill other objects e.g. to promote and advancement of Jain Dharma of the trust.

4) The question of law raised by the applicant is whether the entry fee collected from the visitors/devotees/pilgrim by the applicant is taxable supply under GST Act?

5) Before we proceed further, first let us examine the definition of "Supply" in GST which in term of Section 7 of CGST & RGST Act, 2017 is as under-

Section 7. Scope of supply.-

(i) For the purposes of this Act, the expression - "supply" includes-

(a) all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business;

(b) & (c) -----

(ii) Also as per Section 2(17) of CGST Act, 2017, term "Business" is defined as under-

(a) any trade, commerce, manufacture, profession, vocation, adventure, wager or any other similar activity, whether or not it is for a pecuniary benefit;

(b) any activity or transaction in connection with or incidental or ancillary to sub-clause (a);

(c) any activity or transaction in the nature of sub-clause (a), whether or not there is volume, frequency, continuity or regularity of such transaction;

(d) supply or acquisition of goods including capital goods and services in connection with commencement or closure of business;

(e) provision by a club, association, society, or any such body (for a subscription or any other consideration) of the facilities or benefits to its members;

(f) admission, for a consideration, of persons to any premises;

(g) services supplied by a person as the holder of an office which has been accepted by him in the course or furtherance of his trade, profession or vocation;

(h) activities of a race club including by way of totalizer or a license to book maker or activities of a licensed book maker in such club; and

(i) any activity or transaction undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities;

6) In view of the above definition, we find that sewa service provided i.e darshan/visit of Temple Hall by the applicant is in the course or furtherance of business. Hence it is covered under the scope of Supply. Since it is covered under the definition of Supply, the amount received by the applicant can be considered as consideration for supply of service. As the service provided by the applicant in question is Supply, it is taxable under GST Act.

7) However Sr. No.1 of Notification No.12/2017, Central Tax (Rate) dated 28.06.2017 exempts the intra-State supply of services of description as specified in column (3) of the Table below from so much of the central tax leviable thereon under sub-section (1) of section 9 of the said Act, as is in excess of the said tax calculated at the rate as specified in the corresponding entry in column (4) of the said Table, unless specified otherwise, subject to the relevant conditions as specified in the corresponding entry in column (5) of the said Table, namely:-

Table

S.No.	Chapter	Description of Services	Rate(%)	Condition
(1)	(2)	(3)	(4)	(5)
1	Chapter 99	Services by an entity registered under Section 12AA of the Income Tax Act,1961 (43 of 1961)by way of charitable activities	NIL	NIL

8) Further "charitable activities" means activities relating to –

(i) -----

(ii) advancement of religion , spirituality or yoga

(iii) to (iv) -----

9) On perusal of order of provisional registration of the applicant dated 28.05.2021, we find that they are provisionally registered under Section 12AA of Income Tax Act,1961 from AY 2022-23 to AY 2026-27 subject to the conditions mentioned therein.

10) Further we find that the applicant is engaged in service of darshan of Temple Hall and provide insight into principles of Jainism and teachings of the Thirthankar to the visitors, which can be considered as advancement of religion, the benefit of this Notification No.12/2017-CT (Rate) dated 28.06.2017 in term of Serial No.1 is available to them and the applicant is not required to pay any Tax under GST Act.

11) In view of the above foregoing, we hold that the entry fee, being collected by the applicant from the visitors/devotees/pilgrims, is covered under charitable activities relating to advancement of religion which is not taxable under the provisions of GST Act,2017.

12) The AAR, Karnataka in the case of M/s Sri Malai Mahadeshwara Swamy Kshetra Development Authority, MM Temple Building, MM Hills, Chamarajanagar-571490 have

pronounced vide Advance Ruling No.KAR.ADRG 29/2020 dated 28.04.2020 that collection of special darshan charges is exempt from CGST and KGST, as they are covered under entry no. 13(a) of Notification No.12/2017-Central Tax* (Rate) dated 28.06.2017 and Notification No.12/2017 No.FD 48 CSL 2017 dated 29.06.2017, respectively

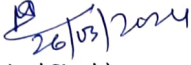
In view of the foregoing, we rule as under:

RULING

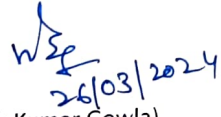
(Under Section 98 of the CGST & RGST Act, 2017)

Q. Whether the entry fee collected from the visitors/devotees/pilgrim by the applicant is taxable supply under GST Act?

Ans- No, the entry fee collected from visitors/devotees/pilgrim by the applicant is covered under charitable activities relating to advancement of religion, hence not taxable under GST Act, 2017.


(Mahipal Singh)
MEMBER
CENTRAL TAX




(Mahesh Kumar Gowla)
MEMBER
STATE TAX

SPEED POST

M/s Shri Digamber Jain Sidhkut Chaityalaya Temple Trust,
Soni Ji Ki Nasiya, Agra Gate, Ajmer - 305001, Rajasthan

F. No. AAR/SF/2023-24/229-232

Date: 26/03/24

Copy to: -

1. The Chief Commissioner, CGST and Central Excise (Jaipur Zone), NCRB, Statue Circle, Jaipur, Rajasthan 302005
2. The Chief Commissioner, State Tax, Kar Bhawan, Bhawani Singh Road, Ambedkar Circle, C-Scheme, Jaipur 302005.
3. The Pr. Commissioner, CGST and Central Excise Commissionerate, Jaipur, Rajasthan.