

**AUTHORITY FOR ADVANCE RULING, TAMILNADU**

DOOR NO.32, INTEGRATED COMMERCIAL TAXES OFFICE COMPLEX  
5<sup>TH</sup> FLOOR, ROOM NO. 503, ELEPHANT GATE BRIDGE ROAD,  
CHENNAI -600 003.

PROCEEDINGS OF THE AUTHORITY FOR ADVANCE RULING U/s.98 OF THE  
GOODS AND SERVICES TAX ACT, 2017.

**Members present are:**

Shri R.Gopalsamy, I.R.S., Additional Commissioner /Member, Office of the Principal Chief Commissioner of GST & Central Excise, Chennai 600034	Tmt. N.Usha, Joint Commissioner (Commercial Taxes)/ Member, Office of the Authority for Advance Ruling, Tamil Nadu. Chennai 600003
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**Advance Ruling No.05/AAR/2023 Dated:30.03.2023**

1. Any appeal against this Advance Ruling order shall be filed before the Tamil Nadu State Appellate Authority for Advance Ruling, under Sub-section (1) of Section 100 of Central Goods and Service Tax Act / Tamil Nadu Goods and Service Tax Act 2017("the Act" in short) within 30 days from the date on which the ruling sought to be appealed against is communicated.
2. In terms of Section 103(1) of the Act, this Advance ruling pronounced by the Authority under Chapter XVII of the Act shall be binding only-
  - (a) on the applicant who had sought it in respect of any matter referred to in sub-section (2) of section 97 for advance ruling;
  - (b) on the concerned officer or the jurisdictional officer in respect of the applicant.
3. In terms of Section 103(2) of the Act, this advance ruling shall be binding unless the law, facts or circumstances supporting the original advance ruling have changed.
4. In terms of Section 104 of the Act, where the Authority finds that advance ruling pronounced by it under sub-section (4) of Section 98 or under sub-section (1) of section 101 has been obtained by the applicant by fraud or suppression of material facts or misrepresentation of facts, it may, by order, declare such ruling to be void ab initio and thereupon all the provisions of this Act or the rules made thereunder shall apply to the applicant as if such ruling had never been made.
5. At the outset, we would like to make it clear that the provisions of both the Central Goods and Service Tax Act and the Tamil Nadu Goods and Service Tax Act are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the Central Goods and Service Tax Act would also mean a reference to the same provisions under the Tamil Nadu Goods and Service Tax Act.



GSTIN Number, if any / User id		33AGQPS1310R1ZY
Legal Name of Applicant		Seshadri Srikanth The I.L.E Co (Trade name)
Registered Address / Address provided while obtaining user id		No. 59, MKN Road, Guindy, Chennai 32.
Details of Application		Form GST ARA – 001 Application Sl.No.28/2022/ARA dated 11.05.2022.
Concerned Officer		Centre: Chennai South Commissionerate State: Alandur Circle
Nature of activity(s) (proposed / present) in respect of which advance ruling sought for		Supply of scientific and technical instruments
A	Category	Trader/wholesale dealer
B	Description (in brief)	The Applicant is a trader/wholesale/distributor of scientific and technical instruments
Issue/s on which advance ruling required		Applicability of a notification issued under the provisions of the Act
Question(s) on which advance ruling is required		Whether supply of scientific and technical instruments, apparatus, equipment to their customer M/S Mahesh Value Products Pvt. Ltd. is eligible for concessional rate of GST @5% as per the Notification No.45/2017?

1. M/s. The I.L.E Co, No. 59, MKN Road, Guindy, Chennai 32 is a proprietorship concern (hereinafter called as the 'Applicant') registered under GST Act with GSTIN 33AGQPS1310R1ZY. The Applicant has filed an application in Form GST ARA - 01 under section 97 of the Central Goods and services Tax and the Tamilnadu Goods and Services Tax Act, 2017, seeking Advance Ruling on the following question;

*Whether supply of scientific and technical instruments, apparatus, equipment to their customer M/S Mahesh Value Products Pvt. Ltd. is eligible for concessional rate of GST @5% as per the Notification No.45/2017?*

2.0. The Applicant is registered under the provisions of GST law with GSTIN: 33AAACZ2099M1ZW. Their principal place of business is located at Chennai.



2.1. The Applicant is basically a trader/wholesale distributor of scientific and technical instruments, apparatus, equipment proposing to supply scientific and technical instruments to customer having certificate from Department of Scientific and Industrial research in recognition of its In-house R&D Unit. The Applicant has stated that the Head of Institute of Department of Scientific and Industrial research of their customer is willing to provide at the time of supply, a certificate to the Applicant, certifying that the said goods are essential for research purposes and will be used for stated purpose only. Further, the goods supplied shall not be transferred or sold by the institution for a period of five years from the date of installation.

2.2. The Applicant had submitted, *interalia*, that as per Notification No. 45/2017-Central Tax (Rate) dated 14.11.2017 concessional rate of GST at 5% is applicable to certain research institutions on supply of specified goods like scientific and technical instruments, apparatus and equipments, if the specified conditions are met. The specified conditions are as under:

- 1) The institution is registered with the GOI in the Department of Scientific and research which—
  - (i) Produces, at the time of supply, a certificate to the supplier from the head of the institution, in each case, certifying that the said goods are essential for research purposes and will be used for stated purpose only;
  - (ii) .....
- 2) The goods falling under (1) above shall not be transferred or sold by the institution for a period of five years from the date of installation.

2.3. Therefore, according to the Applicant:

- i) their customer falls under the category -'Research institution, other than a hospital'
- ii) they are proposing to supply Scientific and technical instruments, apparatus, equipment which are eligible as per the specified Notification.
- iii) their customer is having certificate from Department of Scientific and Industrial research in recognition of its In-house R&D Unit and that the Head of the Institute is willing to provide at the time of supply, a certificate to us certifying that the goods are essential for research purposes and will be used for stated purpose only; the goods supplied shall not be transferred or sold by the institution for a period of five years from the date of installation. Since all the conditions required as per the specified Notification were met, they can supply at a later date at the concessional rate of GST.

3.0 Personal hearing was held in digital platform on 17.08.2022. The Authorized Representative (AR) of the Applicant, Shri. Prabakar, Chartered Accountant, appeared for the hearing virtually The AR reiterated the submissions made in their application. In response to the query as to whether the application is for specific goods supplied to specific



customer, the AR stated that application is for supply of specific goods to the institution registered as per Notification No. 45/2017 qualifying of concessional GST of 5%; that they already supplied goods under three invoices against Purchase order issued by the approved institution. The Applicant was asked to furnish the following documents.

1. Copy of invoice issued to customer
2. Copy of Purchase Order received from customer.
3. Copy of RC and other declaration mandated under concessional Notification No. 45/2017 CTR dated 14.11.2017

3.1 Subsequently, the Applicant submitted the following documents which were received on 22.08.2022.

- i. Copy of DSIR Certificate
- ii. Utilization certificate for the 3 supplies made
- iii. Purchase order copies
- iv. Invoice copies issued to customer.

3.2 Another Personal Hearing was held on 08.12.2022, as there was a change in the constitution of Members. In this Personal Hearing which was conducted virtually, Shri. SriHari CFO of the Company (Authorised Representative) appeared for the hearing virtually and stated that they have applied for ruling on applicability of Notification No. 45/2017 CTR; as the said Notification has been rescinded in July 2022, they are withdrawing the AAR application.

3.3 Shri. S. Srikanth, Proprietor of M/s I.L.E. Co had sent a email dated 07.12.2022 stating as follows:

*"We had filed application for advance ruling regarding a query related to Notification No. 45/2017 - Central Tax (Rate) which deals with concessional rate of GST at 5% for supply of Scientific and technical instruments, apparatus and equipment to certain research institutions. However, the said notification has been rescinded vide Notification No. 11/2022 - Central Tax (Rate) with effect from 18/07/2022. Since, the relevant notification has been rescinded, we no longer require clarification for the same. Hence, we request you to allow us to withdraw the application."*


4.0 We have carefully examined the statement of facts, supporting documents filed by the Applicant along with application, submissions/Additional submissions made during personal hearing. We take on record, the email dated 07.12.2022 of the Applicant wherein he has requested for permission to withdraw the application as the said Notification No.45/2017 - Central Tax (Rate) dated 14.11.2017 has been rescinded and that they no longer require clarification. Their CFO, Shri. SriHari, also stated in the personal hearing held on 08.12.2022 that they had applied for ruling on doubt regarding the applicability of Notification No.45/2017 - Central Tax (Rate) dated 14.11.2017 which deals with the concessional rate of GST at 5% for supply of Scientific and technical instruments, apparatus and equipment to certain research institutions with certain conditions. But, since

the said Notification itself has been rescinded w.e.f. 18.7.2022 vide Notification No. 11/2022-C.T (Rate) dated 13.7.2022, the Applicant requested for permission to withdraw the ARA application filed by them. Hence, as the Applicant has requested for withdrawal of their Advance Ruling Application, the application is treated as withdrawn without going into the merits or detailed facts of the case.

5.0 In view of the above, we rule as under:

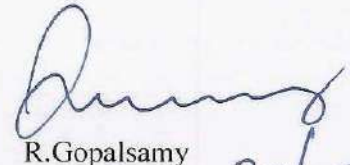
### RULING

The ARA Application Sl.No.28/2022/ARA filed by the Applicant seeking Advance Ruling is disposed as withdrawn as per the request of the Applicant.

  
N. Usha  
30.3.2023

(Member SGST)



  
R. Gopalsamy  
30/03/2023  
(Member CGST)

To

M/s. The I.L.E Co,  
No. 59, MKN Road, Guindy, Chennai 600 052.

Copy Submitted to:

1. The Principal Chief Commissioner of GST & Central Excise,  
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai-600034.
2. The Additional Chief Secretary/Commissioner of Commercial Taxes,  
II Floor, Ezhilagam, Chempauk, Chennai-600 005.

Copy to:

3. The Commissioner of GST & Central Excise,  
Chennai South Commissionerate,  
26/1, Mahatma Gandhi Road,  
Nungambakkam, Chennai-600034.
4. The Assistant Commissioner (ST),  
Alandur circle,  
Chennai.
5. Master File/ Spare-2