



TELANGANA STATE AUTHORITY FOR ADVANCE RULING
CT Complex, M.J Road, Nampally, Hyderabad-500001.
(Constituted under Section 96(1) of TGST Act, 2017)

Present:

Sri B. Raghu Kiran, IRS, Additional Commissioner (Central Tax)

Sri S.V. Kasi Visweswara Rao, Additional Commissioner (State Tax)

A.R.Com/02/2019

Date:14.03.2022

TSAAR Order No.13/2022

**[ORDER UNDER SECTION 98(4) OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017
AND UNDER SECTION 98(4) OF THE TEALANGANA GOODS AND SERVICES TAX ACT,
2017.]**

1. M/s. Granules USA Inc.(Wholly owned subsidiary of Granules India Limited), 3rd Block, 2nd Floor And 5th Floor, My Home Hub, Madhapur, Hyderabad, Ranga Reddy, Telangana, 500 081 (36AAACG7369K1Z6) has filed an application in FORM GST ARA-01 under Section 97(1) of TGST Act, 2017 read with Rule 104 of CGST/TGST Rules.
2. At the outset, it is made clear that the provisions of both the CGST Act and the TGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provision under the TGST Act. Further, for the purposes of this Advance Ruling, the expression 'GST Act' would be a common reference to both CGST Act and TGST Act.
3. It is observed that the queries raised by the applicant fall within the ambit of Section 97 of the GST ACT. The Applicant enclosed copies of challans as proof of payment of Rs. 5,000/- for SGST and Rs. 5,000/- for CGST towards the fee for Advance Ruling. The concerned jurisdictional officer also raised no objection to the admission of the application. The application is therefore, admitted
4. **Brief facts of the case:**

The applicant M/s. Granules USA Inc. is a manufacturer of bulk drugs and wholly owned subsidiary of Granules India Limited. During the year 2018-19, M/s. Granules USA Inc. supplied pharmaceutical tablets to M/s. Lambda Therapeutic Research Ltd. from USA on behalf of Granules India Limited. The material was shipped through one 'World courier' to M/s. Lambda Therapeutic Research Ltd. Ahmedabad. M/s. World courier filed bill of entry in the name of Lambda and discharged IGST. The applicant is of the opinion that the recipient of the goods M/s. Lambda Therapeutic Research Ltd is eligible to take credit of the IGST so paid and is duty bound to pass on the same to Granules India Limited who is the ultimate recipient of goods.

5. **Questions raised:**

Whether, Lambda Therapeutic Research Ltd. Is eligible to avail ITC paid by World Courier?

6. **Personal Hearing:**

The Authorized representatives of the unit namely N Srinivas Rao, Manager Indirect taxation attended the personal hearing held on 16-02-2022. The authorized representatives reiterated their averments in the application submitted and requested to dispose their application on merits at the earliest.

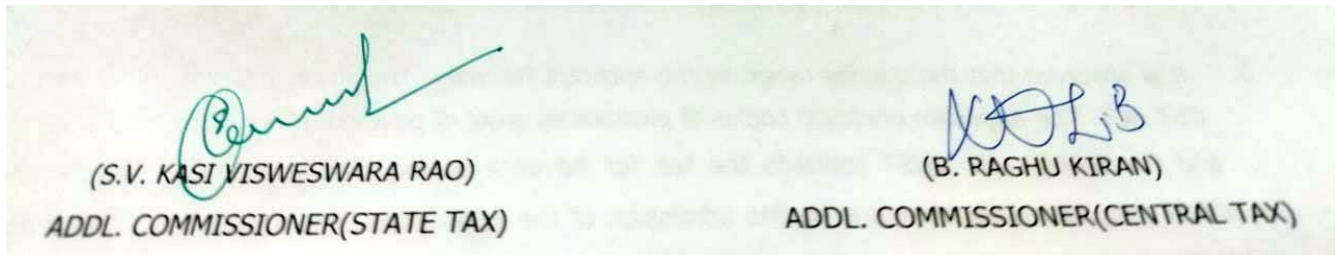
7. **Discussion & Findings:**

It is to inform that Section 96 of the CGST & SGST Acts clearly state territorial nexus of an Advance Ruling authority so that an authority for Advance Ruling shall function as such an Authority for Advance ruling for that State or Union Territory in which it is constituted under the

CGST & SGST Acts. Evidently the applicant seeks clarification regarding the question impacting taxable person who is not a registered taxable person in the State of Telangana. Therefore an 'Advance Ruling' cannot be made for a person not registered in the State of Telangana in light of this provision.

Further Clause (a) of Section 95 of CGST Act, 2017 clearly states that 'Advance Ruling' means a decision provided by the authority to the applicant on questions "in relation to the supply of goods or services or both being undertaken by such applicant". Here a clarification is sought on a question unrelated to supply of goods or services made by the applicant. Therefore even on this count an 'Advance Ruling' can't be made in the present case.

In light of the above (2) Statutory provisions and reasons discussed, the application is **rejected**.



The image shows two handwritten signatures in blue ink. The signature on the left is of S.V. Kasi Visweswara Rao, and the signature on the right is of B. Raghu Kiran. Below each signature is a printed name and title in black text. The left signature is for (S.V. KASI VISWESWARA RAO), ADDL. COMMISSIONER(STATE TAX). The right signature is for (B. RAGHU KIRAN), ADDL. COMMISSIONER(CENTRAL TAX).

To

M/s. Granules USA Inc.(Wholly owned subsidiary of Granules India Limited),
3rd Block, 2nd Floor And 5th Floor,
My Home Hub, Madhapur, Hyderabad,
Ranga Reddy, Telangana, 500 081.

Copy submitted to :

1. The Commissioner (State Tax) for information.
2. The Commissioner (Central Tax), Ranga Reddy Commissionerate, Posnett Bhavan, Tilak Road, Abids, Hyderabad 500 095.

Copy to:

1. Deputy Commissioner (ST) Punjagutta STU – 1 Circle
//t.c.f.b.o//

Superintendent (Grade-I)