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AUTHORITY FOR ADVANCE RULING -UTTAR PRADESH
4, Vibhuti Khand, Gomti Nagar, Lucknow

**PROCEEDING OF THE AUTHORITY FOR ADVANCE RULING U/S. 98 OF THE GOODS
AND SERVICES TAX ACT, 2017**

Sub:- GST ACT, 2017 – Advance Ruling U/s 98 – liability to tax under GST Act in
respect to application dated 09.03.2018 from M/s. Yamuna Expressway
Industrial Development Authority, Greater Noida – Order issued – Reg.

1. M/s. Yamuna Expressway Industrial Development Authority, Ist Floor, Commercial Complex, P-2, Omega 1, Greater Noida, Gautam Budh Nagar Utter Pradesh – 201308 (here in after called the applicant) is a registered assessee under GST having GSTN: 09AAALT0341DIZC.
2. The applicant, in their application dated 09.03.2018, raised the following question to be determined by the authority for Advance Ruling.
“whether GST is applicable on upfront amount (called as premium/salami) payable in respect of services by way of granting of long term lease of the thirty years or more for plots catering to public health care such as hospital, nursing home, diagnostic centers etc”.
3. Further, applicant has referred the office memorandum sent to New Okhla Industrial Development Authority (Noida) by Ministry of Finance, deptt. of Revenue dated 20.12.2017. In response to their request for clarification regarding eligibility for GST exemption, the memorandum does not have any mentioning of upfront for hospital plots neither in favor nor against it and applicant requested clarification on the same. They have also referred to the Notification No. 12/2017 dated 28.06.2017.
4. The applicant was granted a personal hearing on 02.05.2018. Shri Mukul Mittal, Chartered Accountant appeared on behalf of the applicant. The authorized representative of the applicant was heard in the matter and the contentions raised were examined.
5. As per Sl. No. 41 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 as amended by Notification No. 32/2017-Central Tax (Rate) dated 13.10.2017 -

“Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by the State Government Industrial Development Corporations or Undertakings or by any other entity having 50 per cent. or more ownership of Central





Government, State Government, Union territory to the industrial units or the developers in any industrial or financial business area.”

From the plane reading of the above notification, it can be concluded that contention of applicant is correct i.e. the above such services are exempted from the GST, if full fill all the above conditions as mentioned in the Notification.

6. In the light of the above, we rule as under

RULING

GST is not applicable i.e. exempted on upfront amount, if the conditions are satisfied as mentioned Sl. No. 41 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 as amended by Notification No. 32/2017-Central Tax (Rate) dated 13.10.2017.

Sd/-
06/06/2018

DINESH KUMAR, IRS
Additional Commissioner
CGST & Central Excise, Lucknow
(Member)

Sd/-
06/06/2018

SANJAY KUMAR PATHAK
Joint Commissioner (Law)
Commercial Tax, Uttar Pradesh
(Member)

सत्य प्रतिलिपि

Sd/-
06.06.18

(संजय कुमार पथक)

To,

M/s. Yamuna Expressway Industrial Development Authority,
1st Floor, Commercial Complex, P-2, Omega 1, Greater Noida,
Gautam Budh Nagar Uttar Pradesh – 201308.

AUTHORITY FOR ADVANCE RULING –UTTAR PRADESH

Order No. 09

Date: 06.06.18

Copy to –

1. The Chief Commissioner, CGST & Central Excise, Lucknow, Member, Advance Ruling Appellate Authority.
2. The Commissioner, Commercial Tax, Uttar Pradesh, Member, Advance Ruling Appellate Authority.
3. The Commissioner, CGST & Central Excise, Gautam Buddh Nagar
4. Through the Additional Commissioner, Commercial Tax, NOIDA zone, NOIDA to jurisdictional tax assessing officers.