

**THE AUTHORITY FOR ADVANCE RULING
IN KARNATAKA
GOODS AND SERVICES TAX
VANIJYA THERIGE KARYALAYA, KALIDASA ROAD
GANDHINAGAR, BENGALURU - 560 009**

Advance Ruling No. KAR ADRG 01 / 2024

Dated: 29.01.2024

Present:

1. Dr. M.P. Ravi Prasad
Additional Commissioner of Commercial Taxes Member (State)
2. Sri Kiran Reddy T
Additional Commissioner of Customs & Indirect Taxes Member (Central)

1.	Name and address of the applicant	M/s. AGP CITY GAS PRIVATE LIMITED, No.123, Sukha Complex, N Block, Kuvempunagar, Mysuru-570023
2.	GSTIN or User ID	29AASCA5345D1ZG
3.	Date of filing of Form GST ARA-01	03.04.2023
4.	Represented by	Sri Anirudha R.J. Nayak, Advocate
5.	Jurisdictional Authority - Centre	The Commissioner of Central Taxes, Mysore GST Commissionerate, Vijayanagar Division
6.	Jurisdictional Authority - State	Assistant Commissioner of Commercial Taxes, LGSTO 190, Mysuru
7.	Whether the payment of fees discharged and if yes, the amount and CIN	Yes, discharged fee of Rs.5,000-00 under CGST Act and Rs.5,000-00 under SGST Act vide debit of Electronic Cash Ledger Reference No. DC 2903230053987 Dated 14-03-2023

**ORDER UNDER SECTION 98(2) OF THE CGST ACT, 2017
& UNDER SECTION 98(2) OF THE KGST ACT, 2017**

M/s. AGP City Gas Private Limited, No.123, Sukha Complex, N Block, Kuvempunagar, Mysuru-570023 (hereinafter referred to as 'The applicant'), having GSTIN 29AASCA5345D1ZG have filed an application for Advance Ruling under Section 97 of CGST Act, 2017 read with Rule 104 of CGST Rules, 2017 and Section 97 of KGST Act, 2017 read with Rule 104 of KGST Rules, 2017, in FORM GST ARA-01 discharging the fee of Rs.5,000/- each under the CGST Act and the KGST Act.

The applicant is a Private Limited Company registered under the provisions of Central Goods and Services Tax Act, 2017 as well as Karnataka Goods and Services Tax Act, 2017 (hereinafter referred to as the CGST Act and KGST/SGST Act

respectively) and is engaged in providing easy access to clean, low-cost and fuel-efficient natural gas to people in India.

3. The applicant has sought advance ruling in respect of the following questions:

- 1) Whether statutory levies collected by the Petroleum & Explosives Safety Organization (PESO), Ministry of Commerce & Industry, GOI under the Explosives Act, 1884 read with the Gas Cylinder Rules, 2016 and Static & Mobile Pressure Vessels (Unfired) Rules, 2016 for issuance of licence are liable to goods and services tax as per the Central Goods and Services Tax Act, 2017 and rules framed thereunder?
- 2) If the answer to the above question is in the negative, whether statutory levies collected by the Petroleum & Explosives Safety Organization (PESO), Ministry of Commerce & Industry, GOI under the Explosives Act, 1884 read with the Gas Cylinder Rules, 2016 and Static & Mobile Pressure Vessels (Unfired) Rules, 2016 for issuance of licence are exempt under Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 Sl-47 and also Notification No.9/2017-Integrated Tax (Rate) dated 28.6.2017 Sl-49?
- 3) Whether statutory levies collected by the Department of Factories, Boilers, Industrial Safety and Health, Government of Karnataka in respect of storage of LNG in the factory under the Factories Act, 1948 and Karnataka Factories Rules, 1969 for issuance of licence are liable to goods and services tax as per the Central Goods and Services Tax Act, 2017 and rules framed thereunder?
- 4) If the answer to the above question is in the negative, whether statutory levies collected by the Department of Factories, Boilers, Industrial Safety and Health, Government of Karnataka in respect of storage of LNG in the factory under the Factories Act, 1948 and Karnataka Factories Rules, 1969 for issuance of licence are exempt under Notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 Sl-47 and also Notification No.9/2017-Integrated Tax (Rate) dated 28.6.2017 Sl-49?
- 5) Whether statutory levies collected by the Karnataka Fire & Emergency Services Department, Government of Karnataka for issuance of a no objection certificate for a building plan approval are liable to goods and services tax as per the Central Goods and Services Tax Act, 2017 and rules framed thereunder?
- 6) If the answer to the above question is in the negative, whether statutory levies collected by the Karnataka Fire & Emergency Services Department, Government of Karnataka for issuance of a no objection certificate for a building plan approval are exempt under Notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 Sl-47 and also Notification No.9/2017-Integrated Tax (Rate) dated 28.6.2017 Sl-49?



- 7) Whether Registration fee or Stamp Duty collected by the Government of Karnataka in respect of registration of lease agreements for periods exceeding 11 months under Registration Act, 1908 are liable to goods and services tax as per the Central Goods and Services Tax Act, 2017 and rules framed thereunder?
- 8) If the answer to the above question is in the negative, whether Registration fee or Stamp Duty collected by the Government of Karnataka in respect of registration of agreements under Registration Act, 1908 are exempt under Notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 Sl-47 and also Notification No.9/2017-Integrated Tax (Rate) dated 28.6.2017 Sl-49?
- 9) Whether in the facts and circumstances of this applicant's case obtaining of all the above licenses, permissions, sanctions, no-objections issued by the Central Government / Union Territory or local authority, qualify as a supply of service in terms of section 7 of the GSTA?

PERSONAL HEARING / PROCEEDINGS HELD ON 13.04.2023

4. Sri Anirudha R.J.Nayak, Advocate and Duly Authorised Representative appeared for personal hearing proceedings held on 13.04.2023 and reiterated the facts narrated in their application.

FINDINGS & DISCUSSION

5. At the outset we would like to make it clear that the provisions of CGST Act, 2017 and the KGST Act, 2017 are in pari-materia and have the same provisions in like matter and differ from each other only on a few specific provisions. Therefore, unless a mention is particularly made to such dissimilar provisions, a reference to the CGST Act would also mean reference to the corresponding similar provisions in the KGST Act.

6. We have considered the submissions made by the applicant in their application for advance ruling. We have also considered the issues involved on which advance ruling is sought by the applicant and the relevant facts along with the arguments made by their authorized representative and also their submissions made during the time of hearing.

7. The Applicant has sought Advance Ruling in respect of questions mentioned in para 3 supra. We proceed to examine the maintainability of the Application before going to the merits of the case.

8. The Applicant states that he is engaged in providing easy access to clean, low-cost and fuel-efficient natural gas to people in India; that they own and operate LNG/natural gas infrastructure at multiple regions across the country and in order to successfully provide natural gas across the country, they have obtained required licenses, approvals and no-objection certificates from concerned authorities after payment of all the statutory levies.



The Applicant states that they have made payment of Rs. 2,49,660 towards GST under reverse charge mechanism on 18.11.2022 in respect of all the statutory levies charged by the Central Government/State Government/ Municipality/ Panchayat for providing licenses, approvals and no-objection certificates to the Applicant. But this Application was filed on 03.04.2023 to know about the applicability of GST on the statutory levies on which the Applicant has already discharged GST under RCM. Thus the maintainability of the Application needs to be examined.

9. In this regard we observe that Section 95(a) of the CGST Act 2017, while defining the term 'advance ruling', stipulates that an applicant can seek advance ruling on the questions specified under Section 97(2) of the CGST Act 2017, **in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the said applicant.**

10. It is pertinent to mention here that the word "being" is the present participle of the verb "be" and used to form tenses in the progressive (or continuous) aspect. A present participle is a verb form (or verbal) made by adding to the base that often functions as an adjective. Use of present participle denotes present and continuing action. Thus the phrase 'being undertaken' refers to an ongoing and continuous supply.

11. In the instant case, the questions, on which the applicant seeks advance ruling, are not in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the said applicant, but in relation to a completed supply on which self-assessed tax is discharged by the applicant. Therefore, the instant application is beyond the jurisdiction of this authority and hence is liable for rejection.

12. In view of the above, we pass the following

RULING

The application filed by the Applicant for advance ruling is rejected, in terms of Section 98(2) of the CGST Act 2017.

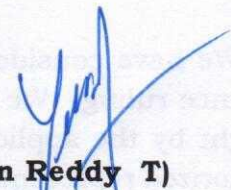

(Dr. M.P. Ravi Prasad)

Member

MEMBER

Karnataka Advance Ruling Authority
Place: Bengaluru
Bengaluru - 560 009

Date: 29.01.2024


(Kiran Reddy T)
Member

MEMBER

Karnataka Advance Ruling Authority
Bengaluru - 560 009

To,
The Applicant

Copy to:

1. The Principal Chief Commissioner of Central Tax, Bangalore Zone, Karnataka.

M/s. AGP City Gas Private Limited

2. The Commissioner of Commercial Taxes, Karnataka, Bengaluru.
3. The Commissioner of Central Taxes, Mysore GST Commissionerate, Mysore.
4. The Assistant Commissioner of Commercial Tax, LGSTO-190, Mysore.
5. Office Folder.

