



**RAJASTHAN AUTHORITY FOR ADVANCE RULING
GOODS AND SERVICES TAX**

**KAR BHAWAN, AMBEDKAR CIRCLE, NEAR
RAJASTHAN HIGH COURT
JAIPUR - 302005 (RAJASTHAN)**



ADVANCE RULING NO. RAJ/AAR/2019-20/24

| | | | | |
|---|---|--|--|--|
| J.P.Meena Additional Commissioner | : | Member (Central Tax) | | |
| Hemant Jain Joint Commissioner | : | Member (State Tax) | | |
| Name and address of the applicant | : | M/s Chandmal Narayandas Consortium, 34/7, Jatiya Colony, Pahar Ganj, Ajmer, Rajasthan 305001 | | |
| GSTIN of the applicant | : | 08AAEAC0486H1ZS | | |
| Clause(s) of Section 97(2) of CGST/SGST Act, 2017, under which the question(s) raised | : | a. Classification of goods and / or Services or both; e. Determination of the liability to pay tax on any goods or services or both ; | | |
| Date of Personal Hearing | : | 05.09.2019 | | |
| Present for the applicant | : | Shri Sanjeev Jain, C.A. (Authorised Representative) | | |
| Date of Ruling | : | 24.10.219 | | |

Note: Under Section 100 of the CGST/RGST Act, 2017, an appeal against this ruling lies before the Appellate Authority for Advance Ruling constituted under section 99 of CGST/RGST Act, 2017, within a period of 30 days from the date of service of this order.



- At the outset, we would like to make it clear that the provisions of both the CGST Act and the RGST 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 RGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, a reference to such a similar provision under the CGST Act / RGST Act would be mentioned as being under the "GST Act".
- The issue raised by M/s Chandmal Narayandas Consortium, 34/7, Jatiya Colony, Pahar Ganj, Ajmer, Rajasthan 305001(hereinafter the applicant) is fit to pronounce advance ruling as it falls under the ambit of the Section 97(2) (a) &(e) given as under:
 - a. Classification of goods and / or Services or both;
 - e. determination of the liability to pay tax on any goods or services or both;
- Further, the applicant being a registered person (GSTIN is 08AAEAC0486H1ZS as per the declaration given by him in Form ARA-01) the issue raised by the applicant is neither pending for proceedings nor proceedings were passed by any authority.
- The Applicant deposited the prescribed SGST fee amounting to Rs 5000 but has not deposited CGST fee component of Rs 5000 at the time of filing of advance ruling application. Further, the applicant deposited the remaining fee of Rs 5000/- in FORM GST DRC-03 vide dated 24.10.2019. Based on above observations, the application is admitted to pronounce advance ruling.

1. SUBMISSION AND INTERPRETATION OF THE APPLICANT:



- The applicant has got contract of integrated operation, maintenance and management of recreation facilities and amenities within the boundary of Subhash Udhyan (Municipal park), Ajmer from Municipal Corporation, Ajmer. The applicant is charging entry fee as authorized by Municipal Corporation for allowing entry of visitors into Subhash Udhyan. Other facilities i.e. Toy train, Pedal Boat etc. are also being provided in Subhash Udhyan on chargeable basis.
- The applicant has got an opinion that entry in Municipal Park is exempted from GST if charges are less than Rs. 250/- per person. Similar exemption in his opinion is also available for ticket charges for Toy Train facility and ticket charges for Pedal Boat facility provided in Municipal Park Subhash Udhyan.

2. QUESTIONS ON WHICH THE ADVANCE RULING IS SOUGHT:

- a. What is applicable rate of GST on Entry Fees collected for allowing entry in to Municipal Park Subhash Udhyan?
- b. What is applicable rate of GST on ticket charges for Toy Train facility provided in Municipal Park Subhash Udhyan?
- c. What is applicable rate of GST on ticket charges for Pedal Boat facility provided in Municipal Park Subhash Udhyan?

3. PERSONAL HEARING

In the matter personal hearing was granted to the applicant on 05.09.2019 at Room no. 2.29 NCRB, Statue Circle, Jaipur. On behalf of the applicant Shri Sanjeev Jain, C.A. (Authorized Representative) appeared for PH. At the time of PH, he was intimated that CGST component of fee is not yet deposited. He assured that fee will be deposited at earliest. He reiterated the

submissions already made in the original application. He requested for early disposal of the application.

4. COMMENTS OF THE JURISDICTIONAL OFFICER



The jurisdiction officer (Assistant Commissioner, State Tax, Circle-B, Ward-II, Ajmer) has submitted his comments vide letter dated 07.08.2019 and stated that, activity carried out by the applicant such as entry fee, facilities such as Toy train, Pedal Boat are covered under *Services by way of Admission to Entertainment Events or Access to Amusement Facilities* (HSN 9996) and are taxable @ 18% GST.

5. FINDINGS, ANALYSIS & CONCLUSION:

- The applicant has got contract of integrated operation, maintenance and management of recreation facilities and amenities within the boundary of Subhash Udyayan (Municipal park), Ajmer from Municipal Corporation, Ajmer.
- The applicant is presently charging fee for allowing entry of visitors into Subhash Udyayan and for facilities such as Toy train, Pedal Boat etc. on chargeable basis.
- The activity carried out by the applicant i.e. allowing entry into Subhash Udyayan and other facilities of Toy train, Pedal Boat are in nature of recreational and amusement activities.

The above mentioned activities are covered under Chapter Heading 9996 (Recreational Cultural and Sporting Services) under Notification No. 11/2017- Central Tax (Rate) dated 28.06.2017 (as amended). The relevant extract of the Notification is reproduced below:



| Sl No. | Chapter, Section or Heading | Description of Service | Rate (per cent.) | Condition |
|--------|---|---|------------------|-----------|
| 34 | Heading 9996 (Recreational Cultural and Sporting Services) | (i) Services by way of admission or access to circus, Indian classical dance including folk dance, theatrical performance, drama [or planetarium]73 | 9 | - |
| | | (ii) Services by way of admission To exhibition of cinematograph films where price of admission ticket is one hundred rupees or less. | | - |
| | | [(iii) Services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go rounds, go- carting and ballet. | 9 | -74 |
| | | [(iii)a] Services by way of admission to entertainment events or access to amusement facilities including exhibition of cinematograph films, casinos, race club, any sporting event such as Indian Premier League and the like. | 14 | -75 |
| | | (iv) Services provided by a race club by way of totalisator or a license to bookmaker in such club. | 14 | - |
| | | (v) Gambling. | 14 | - |
| | | (vi) Recreational, cultural and sporting services other than (i), (ii), (iii), [(iii)a],76 (iv) and (v) above. | | - |

In view of the above, the rate of GST on entry fee, ticket charges for Toy Train facility and for Pedal Boat facility provided in Subhash Udyayan (Municipal Park)) is 18% (SGST9%+CGST9%).

- Further, we find that the activity carried out by the applicant is not covered under Notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 (as amended) and thus contention of the applicant for exemption from GST is not correct.

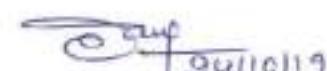
6. In view of the foregoing, we rule as follows:-

RULING

The rate of GST on fee collected for entry into Subhash Udhyana (Municipal Park), ticket charges for Toy Train facility and ticket charges for Pedal Boat facility provided in Subhash Udhyana is @18% (SGST 9% +CGST 9%).


J.P. MEENA
Member
(Central Tax)




HEMANT JAIN
Member
(State Tax)

SPEED POST

M/s Chandmal Narayandas Consortium,
34/7, Jatiya Colony, Pahar Ganj,
Ajmer, Rajasthan 305001

F.No. AAR/CNConsortium/2019-20/174-177

Dated: 20/10/19

Copy to:-

- Commissioner, State Tax, Kar Bhawan, Bhawani Singh Road, Ambedkar Circle, C-Scheme-, Jaipur 302005.
- Commissioner, Central Tax, Jaipur Commissionerate, NCRB, Statue Circle, Jaipur, Rajasthan 302005.
- Assistant Commissioner, State Tax, Kar Bhawan, Ward-II, Circle-B, Todarmal Marg, Civil Lines, Ajmer, Rajasthan 305001.

2/c

