



TELANGANA STATE AUTHORITY FOR ADVANCE RULING
CT Complex, M.J Road, Nampally, Hyderabad-500001.
(Constituted under Section 96(1) of TGSAT 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/04/2019

Date:03.06.2022

TSAAR Order No.27/2022

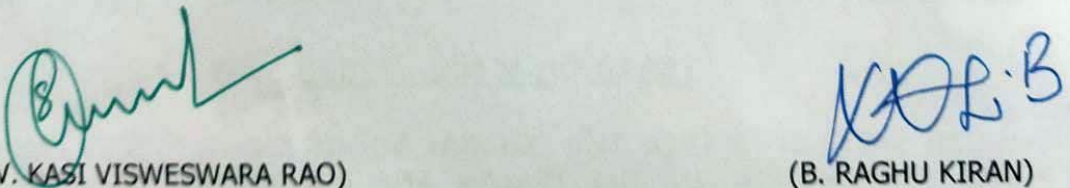
[ORDER UNDER SECTION 98(4) OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 AND UNDER SECTION 98(4) OF THE TEALANGANA GOODS AND SERVICES TAX ACT, 2017.]

1. M/s. The Singareni Collieries Company Limited, Head Office, Kothagudem Collieries, Kothagudem, Badradri, Telangana, 5071014 (36AAACT8873F1Z1) has filed an application in FORM GST ARA-01 under Section 97(1) of TGSAT Act, 2017 read with Rule 104 of CGST/TGSAT Rules.
2. At the outset, it is made clear that the provisions of both the CGST Act and the TGSAT 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 TGSAT Act. Further, for the purposes of this Advance Ruling, the expression 'GST Act' would be a common reference to both CGST Act and TGSAT 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:**
M/s. Singareni Collieries Company Limited is entering into contracts with a host of vendors/suppliers for extraction of coal. In the process, they are procuring diesel and supplying the same to their contractors free of cost. They are desirous of ascertaining their liability under GST when such diesel is supplied free of cost. Hence this application.
5. **Questions raised:**
Clarification on determination of transaction value in case of supplies made free of cost by recipient by suppliers as per terms of contract.
6. **Personal Hearing:**
The Authorized representatives of the unit namely Sri S. Anantha Narayanan, CA & AR and Sri B. Sridhar, DGM Finance 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:

The commodity 'Diesel' is covered under Entry 54 to the List II of the Schedule VII to the Constitution of India and therefore it is excluded from levy of GST and hence beyond the scope of Chapter XVII of the CGST Act, 2017.

Hence the application is rejected.



(S.V. KASI VISWESWARA RAO)
ADDL. COMMISSIONER(STATE TAX)

(B. RAGHU KIRAN)
ADDL. COMMISSIONER(CENTRAL TAX)

[Under Section 100(1) of the CGST/TGST Act, 2017, any person aggrieved by this order can prefer an appeal before the Telangana State Appellate Authority for Advance Ruling, Hyderabad, within 30 days from the date of receipt of this Order]

To
M/s. The Singareni Collieries Company
Limited, Head Office, Kothagudem Collieries,
Kothagudem, Badradri, Telangana, 5071014.

Copy submitted to :

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

Copy to:

1. The Superintendent (Central Tax) Kothagudem Range. NMDC Ltd., Sponge Iron Unit, Quarter No.B3, Type-II, Bhadrachalam Road, Kothagudem, Bhadradri- 507154.

//t.c.f.b.o//

Superintendent (Grade-I)