

**AUTHORITY FOR ADVANCE RULING, TAMILNADU**  
**DOOR NO.32, INTEGRATED COMMERCIAL TAXES OFFICE COMPLEX**  
**5<sup>TH</sup> FLOOR, ROOM NO. 503, ELEPHANT GATE BRIDGE ROAD,**  
**CHENNAI -600 003.**

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

**Members present are:**

1. Shri T.G.Venkatesh, I.R.S., Additional Commissioner/Member,  
Office of the Principal Chief Commissioner of GST & Central Excise, Chennai 34

2. Tmt K.Latha., M.Sc., (Agri), Joint Commissioner (ST)/ Member,  
Office of the Authority for Advance Ruling, Tamil Nadu, Chennai 3.

**ORDER No. 38 /ARA/2021 Dated: 21.10.2021**

GSTIN Number, if any / User id	33AAFCT3356C1ZO
Legal Name of Applicant	TAMILNADU POLYMER INDUSTRIES PARK LIMITED
Trade Name of the Applicant	TAMILNADU POLYMER INDUSTRIES PARK LIMITED
Registered Address / Address provided while obtaining user id	19-A 3 <sup>rd</sup> floor, Rukmini Lakshmi pathy Road, Egmore, Chennai-600008
Details of Application	Form GST ARA -- 001 Application Sl.No.24/2021 dated 16.07.2021
Concerned Officer	Centre: Chennai North Commissionerate State: Egmore Assessment Circle
Nature of activity(s) (proposed / present) in respect of which advance ruling sought for	
A Category	Others-Development of Industrial Park
B Description (in brief)	The applicant is a joint venture between TIDCO and SIDCO formed as a Special purpose vehicle, registered under 'The Companies Act 2013', to carry on the business relating to construction, maintenance and operation of industrial park, specifically for plastic industries.
Issue/s on which advance ruling required	Classification of services.

Question(s) on which advance ruling is required

1. Applicable GST rate for EPC contract engaged in works, viz; site grading, earth filling, road works, storm water drains, utility corridor, street lighting, water storage and distribution system.
2. Applicable GST rate for civil contractor engaged in civil construction works, viz; prefabricated PUF (polyurethane) Administrative building, Training centre, Technology facilitation centre, etc.

**Note: Any appeal against the Advance Ruling order shall be filed before the Tamil Nadu State Appellate Authority for Advance Ruling, Chennai under Sub-section (1) of Section 100 of CGST ACT/TNGST Act 2017 within 30 days from the date on which the ruling sought to be appealed against is communicated.**

**At the outset, we would like to make it clear that the provisions of both the Central Goods and Service Tax Act and the Tamil Nadu Goods and Service Tax Act are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the Central Goods and Service Tax Act would also mean a reference to the same provisions under the Tamil Nadu Goods and Service Tax Act.**

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TAMILNADU POLYMER INDUSTRIES PARK LIMITED (hereinafter called the 'Applicant' or 'TPIPL') 19-A 3<sup>rd</sup> floor, Rukmini Lakshmi pathy Road, Egmore, Chennai-600008 is registered under the GST Vide GSTIN 33AAFCT3356C1ZO. They have sought Advance Ruling on the following questions:

1. Applicable GST rate for EPC contract engaged in works, viz; site grading, earth filling, road works, storm water drains, utility corridor, street lighting, water storage and distribution system.
2. Applicable GST rate for civil contractor engaged in civil construction works, viz; prefabricated PUF (polyurethane) Administrative building, training centre, technology facilitation centre, etc.

The Applicant has submitted the copy of application in Form GST ARA - 01 and also submitted a copy of Challan evidencing payment of application fees of Rs.5,000/- each under sub-rule (1) of Rule 104 of CGST rules 2017 and SGST Rules 2017.

2.1 The applicant has stated that their company is a 50:50 joint venture between Tamilnadu Industrial Development Corporation Limited (TIDCO) and State Industries Corporation of Tamilnadu Limited (SIPCOT) (both are state Government Companies) and is indirectly 100% owned by Government of Tamilnadu, formed as a special purpose vehicle and registered under the Companies Act, 2013, to carry on the business relating to construction, maintenance and operation of industrial park, specifically for plastic industry. The industrial park is being developed at Puzhudivakkam and voyalur villages, Ponneri taluk, Tiruvallur District.

2.2 The Applicant has engaged an EPC contractor namely M/s Lancewood Infra Private Limited to develop the basic infrastructure of the park viz; site grading, earth filling, road works, storm water drains, utility corridor, street lighting, water storage and distribution system at TPIPL project site. Subsequently, M/s Lancewood Infra Private Limited completed some portion of work and raised invoice during the FY 2020-21 with GST @ the rate of 12%. The applicant has stated that they had accepted the invoice and made the payment after deducting GST-TDS at 2%. The applicant has also stated that the contractor has contended that the applicable GST rate for contracts with Public Sector enterprises is 12%.

2.3 The applicant has also engaged a contractor for construction of prefabricated PUF (polyurethane) Administrative building, training centre, technology facilitation centre, etc., at the TPIPL project site. They have stated that TPIPL has registered as a Tax deductor under Section 51 of CGST Act 2017, for deducting TDS at 2%. The applicant is of the view that they are a Public Sector Undertaking and the applicable GST rate is 12% for both EPC contracts and Civil works.

2.4 In view of the above facts, the applicant has submitted that they have sought the Advance Ruling Authority based on the clarification issued by the Additional Commissioner, Chennai North Commissionerate in response to their letter dt.25.01.21, wherein they had requested the jurisdictional commissionerate

to confirm the applicable GST rate for EPC contract and civil construction work. The jurisdictional authority had vide letter dt.08.02.21 informed the applicant that their request comes under the ambit of Section 97 of the CGST Act 2017 and that they were advised to make an application before the Advance ruling authority.

3.1 Due to the prevailing PANDEMIC situation and in order not to delay the proceedings, the applicant was addressed through the Email Address mentioned in the application to seek their willingness to participate in a virtual Personal Hearing in Digital media. The applicant consented and the hearing was held on 22.10.2021. The Authorised representative, Shri. C. Vinodh Kumar, Chartered Accountant, appeared for the hearing and reiterated the submissions made in the application. He stated that they seek the ruling to clarify the rate applicable on the services received by them. It was explained that as per Section 95 of GST Act, Advance ruling can be sought only by the supplier, on the supplies being undertaken or proposed to be undertaken and that their suppliers may be asked to seek the ruling if such supplies are being undertaken presently/proposed to be undertaken.

4.1 The Central Jurisdictional authority, who holds the administrative jurisdiction over the applicant reported that there are no pending proceedings on the issue raised by the applicant in their Advance Ruling application.

4.2 The State Jurisdictional authority has not furnished the report and is construed that there are no proceedings pending on the issues raised by the applicant in their Advance Ruling application.

5.1 We have carefully examined the submissions of the applicant in their application and during the Hearing. It is seen that the applicant seeks ruling to determine the applicable GST rate for the EPC contract engaged in works, viz; site grading, earth filling, road works, storm water drains, utility corridor, street lighting, water storage and distribution system and for the civil contractor engaged in civil construction works, viz; prefabricated PUF (polyurethane) Administrative building, training centre, technology facilitation centre, etc received by them. The admissibility of the application was examined during the hearing extended to them. The applicant stated that they have sought ruling to clarify the rate applicable on the services received by them. Thus, the question is

on the determination of GST rate in respect of the services received by them and not on the supply made by them.


5.2 Section 95 (a) of CGST and TNGST Act defines 'advance ruling' as  
(a) "advance ruling" means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant;

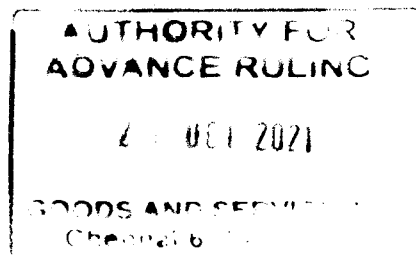
From the above, it is evident that an applicant can seek an Advance Ruling only in relation to supply of goods or services or both undertaken or proposed to be undertaken by them. Further, as per Section 103(1) of the GST Act, the ruling is binding only on the applicant and the concerned officer or the jurisdictional officer of the applicant. In the case at hand, the applicant is the recipient of the services and not supplier of such service. Accordingly, this question is not liable for admission before this authority and therefore not admitted for consideration on merits of the case.

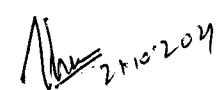
6. In view of the above, we rule as under

**RULING**

The application is not admitted, under Section 98(2) read with Section 95(a) of CGST Act, 2017 /TNGST Act, 2017 for the reasons mentioned in para 5.2 above.

  
Sm. K. LATHA  
(Member )



  
Shri. T.G. VENKATESH  
(Member )

To,

Tvl. TAMILNADU POLYMER INDUSTRIES PARK LIMITED //By RPAD//  
19-A 3rd floor, Rukmini Lakshmi pathy Road,  
Egmore, Chennai-600008.

Copy Submitted to:

1. The Principal Chief Commissioner of GST & Central Excise,  
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai-600034.
2. The Additional Chief Secretary/Commissioner of Commercial Taxes,  
II Floor, Ezhilagam, Chepauk, Chennai-600 005.

Copy to:

3. The Commissioner of GST & Central Excise, Chennai North Commissionerate,  
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai-600034.
4. The Assistant Commissioner (ST) Egmore Assessment Circle,  
88, Spurtank Road, Egmore Taluk office building, Chetpet, Chennai- 600 031.
5. Master File/ Spare-2