



Ministry of Finance
Central Board of Indirect
Taxes & Customs



सत्यमेव जयते

कार्यालय, सदस्य, एडवांस रूलिंग दमण दीव
और दादरा नगर हवेली छटा तल, फार्च्यून
स्क्वायर, वापी-दमण मार्ग, चला, वापी

OFFICE OF THE MEMBER,
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F.No. V/AR-08-09/Aristoplast/DMN/2017-18

Date: 11.12.2018

Passed by:-

1. Shri Satish Kumar
Joint Commissioner
Central Goods & Service Tax
Daman Commissionerate
.....Member (Central Tax)
2. Charmie Kamal Parekh
Deputy Collector
UT Goods & Service Tax
Daman.
.....Member (U.T.)

Date of Advance Ruling: 11/12/2018 Date of Issue: 11/12/2018

Advance Ruling Number: AR 04-05/AR/DMN-Silvassa/2018

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1. Any person deeming himself aggrieved by this Advance Ruling may appeal against the Ruling before the Appellate Authority for Advance Ruling in terms of Section 100 of the Central Goods and Service Tax Act, 2017. Such appeal shall be done within 30 days from the date of the communication of the order. The appeal papers shall bear fee of Rs. 10,000/- as provided under Rule 106(1) of CGST Rules, 2017.
2. The appeal should be filed in Form GST ARA-02, prescribed under sub rule (1) of the Rule 106 & GST ARA-03 of the Central Goods and Service Tax Rules, 2017, as the case may be, duly signed by the person specified in sub rule 4 (3) (a&b) of the Rule 106.
3. The appeal including the statement of facts and relevant documents shall be filled in quadruplicate accompanied by equal number of copies of the order appealed against (one of which at least shall be certified copy).
4. An appeal against this order shall be before Appellate Authority of Advance Ruling on payment of Rs. 10,000/- as provided under Rule 106(1) of the Central Goods and Service Tax Rules, 2017.

AR No.004-05/Daman/2018- Advance Ruling under Sub Section 4 of Section 98 of the Central Goods and GST Act, 2017 arises out of the application dtd 12/24.09.2018 made under Sub Section 2 of the Section 97 by M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman Main Road, Dabhel, Nani Daman - 396210 on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100 of the CGST Act, 2017 any person aggrieved by this order can prefer an appeal before the appellate Authority for Advance Ruling, Daman.

Sr. No.	Particulars	Details	Remarks.
1.	Name and address of the applicant	M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman main road, Dabhel, Nani Daman	
2.	GSTIN	25AAMCA5352J1ZI	
3.	Date of filing of Form ARA-01	12/24.09.2018	
4.	Date of personal hearing	10.12.2018	
5.	Applicant represented by	Shri Kaushik D. Nahar	
6.	Jurisdictional authority Centre	CGST, Daman	
7.	Jurisdictional authority UT	UT GST Daman & Diu	
8.	Details of Fee payment	Challan Identification Number (CIN) -HDFC 18082500001058 Date -13.08.2018, HDFC 18112500004128 Date -26.11.2018, HDFC 18072500001823 Date -17.07.2018 & HDFC 18092500004609 Date -27.09.2018.	5000+5000 = 10,000/- 5000+5000 = 10,000/-

M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman Main Road, Dabhel, Nani Daman - 396210, having GSTIN Number 25AAMCA5352J1ZI, is engaged in the manufacturing of Broom Stick made of Plastics, Sprayers and other products made of plastics etc. They have made two application for seeking Advance Ruling first application on 12.09.2018 under advance Ruling was made for deciding the correct classification of Broom Stick for which they have paid the required fee amounting to Rs. 5,000/- for Central GST and Rs. 5,000/- for UT GST vide Challan Identification Number (CIN) - HDFC 18082500001058 Date -13.08.2018, HDFC 18112500004128 Date -26.11.2018.

2. M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman main road, Dabhel, Nani Daman - 396210, have filed second application dtd 24.09.2018 seeking Advance Ruling for the correct classification of "Sprayers" made of plastics. The applicant has described sprayers as mechanical and hand operated sprayer. These sprayers are fitted with a plastic nozzle and are used for spraying liquid. They have made an application on 24.09.2018 under advance Ruling alongwith required fee amounting to Rs.5,000/- for Central GST and Rs. 5,000/- for UT GST vide Challan Identification Number (CIN) HDFC 18072500001823 Date -17.07.2018 & HDFC 18092500004609 Date -27.09.2018.

3. The issue was forwarded to the jurisdictional AC for verification in the above two applications. The JAC vide their letter issued from F. No. Div-1/Misc./CGST/1/2018-19/1191 dtd 05.12.2018 have replied that the Description of Goods and HSN Code mentioned in Tariff of the above product, is as under: -

Name of Product manufactured	HSN Code	Rate of GST	Description of Goods
Broom Sticks	9603	18%	Brushes (including brushes constituting parts of machines, appliances or vehicle), hand operated mechanical floor sweepers, not motorized, mops and feather dusters, prepared knots and tufts for broom or brush making, paint pads and rollers, squeegees (other than rollers squeegees) [other than brooms and brushes, consisting of twigs or other vegetable materials bound together with or without handles] [other than 96031000]
Sprayer	8424	18%	Mechanical appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders, spray guns and similar appliances, steam or send blasting machines and similar jet projecting machines [other than fire extinguishers, whether or not charged and Nozzles for drip irrigation equipment or nozzles for sprinklers]

The JAC further submitted that in above both classifications, no word of plastics is used. Hence, the rate of duty mentioned in GST tariff is @18% for Broomsticks & Sprayer.

4. Records of Personal hearing.

The applicant has not filed any written defence reply in support of their claim. Therefore, to abide by the law of natural justice, the applicant was given a chance to be heard in person and personal hearing in this case was fixed on 10.12.2018. Shri Kaushik Nahar, CS on behalf of the applicant appeared for the PH on 10.12.2018. During the PH he submitted that they have made the application in case of two of their products viz- **Sprayers and Broomsticks made of plastics**. They submitted that in both the cases they are paying GST @18% & 5% respectively as per the tariff rate, which in their opinion falls in the above rate brackets. They however, seek the order of the AAR in the above case. Shri Nahar also submitted that apart from the documents they have also submitted pictures of the products along with their applications. He further submitted that they have nothing to add more.

5. Discussion and Findings

In the present case there are two different applications for the two different products. The applicant has paid separate fee in each case for the Advance Ruling for these two products. Now we, the members of Advance Ruling, have to decide-

1. The Correct HSN code for the **Broom Stick** made of plastics and applicable rate of tax.
 2. The correct **HSN Code of Sprayers** made of Plastics and applicable rate of tax.
6. First of all we take the product **Broom Sticks** for discussion of the correct classification. It is in the interest of justice to discuss the nature of product in question and its use. As per the evidence available before us, the product in question **Broom Stick** is made of Plastics.

In the present case the applicant has requested for the "determination of the liability to pay tax on goods or service or both.

6.1 We note that Broom stick is a cleaning tool consisting of usually stiff fibres (made of materials such as plastic) attached to, and roughly parallel to, a cylindrical handle, The **broomstick** is thus a variety of brush with a long handle. It is commonly used in combination with a dustpan for cleaning floors etc.

6.2 We further find in the GST Tariff that the heading 9603 which is seems to be closer of the product in question, **read as-**

Brooms, Brushes (Including Brushes Constituting Parts Of Machines, Appliances Or Vehicles), Hand Operated Mechanical Floor Sweepers, Not Motorised, Mops And Feather Dusters; Prepared Knots And Tufts For Broom Or Brush Making; Paint Pads And Rollers; Squeegees(other than roller squeegees).

6.2.1 Therefore, it is very much clear from the reading of the main heading that the major heading for the classification of the plastics broom-stick is **9603**.

6.3 We note that there are separate classification :- one for Broom-sticks made from twigs or other vegetable materials and **second** category which is not made from twigs or vegetable materials. Since the product in question i.e. Broom-Sticks is made from plastics, hence, it is very much clear that it should be classified as Brooms other than brooms consisting of twigs or other vegetable materials bound together , with or without handle. Thus brooms made from plastics are other than brooms classifiable under heading 96031000. Therefore, we held that the correct classification of the Plastic Broom-Stick is under heading 96032900 and classifiable as "Others".

6.3.1 Hence, the product Plastics Broom-Stick is eligible for concessional rate of tax vide Notification No. 1/2017-CT(rate) dtd 28.06.2017 i.e. 5% IGST or 2.5% CGST + 2.5 UTGST.

7. Now we discuss the applicable GST rate and the correct classification of the second product in question. We note that the applicant have submitted a picture of their product taken on plain paper and have describe their product as "**Sprayers**" which is made of plastic. It is a mechanical and a hand operated sprayer which is fitted with a plastic nozzle . The product in question is used for spraying liquid.

7.1 The applicant has contended that their product is a sprayer which is mechanical and hand operated and merit correct classification under HSN Code 8424 under the sub head "Sprinkles, drip irrigation system including laterals; Mechanical Sprayers etc. They also contended that correct rate of GST on their product should be 12% adv under Sr. No. 325 of the Notification No. 01/2018- Central Tax(rate) dtd 20.06.2017 as amended .

7.2 We have seen the picture of the product in question "**Sprayer**" submitted by the assessee. On going through the picture of the product, we find that the product is a plastic made handy container for storing liquid which is fitted with hand operated sprayers. it appears that the product is claimed for classification under the heading of Sprinkle which do not qualify because sprinkle is an irrigation systems installed in field under which water is flown through pipes and rotating of Sprinkles made the water pour surroundings area. Further the product in question is neither drip irrigation system nor other equipments. Since the said product not falls under the category of sprinkle or drip irrigation system, hence, GST rate (6% +6%) 12% which is for the said irrigation system, is not applicable in their case of sprayers.

7.3 Now, we discuss the product Sprayer. Sprayer is a device used to spray a liquid. The sprayers are commonly used for projection of water, weed killers, crop performance materials, pest maintenance chemicals, as well as manufacturing and production line

ingredients. In agriculture, a sprayer is a piece of equipment that is used to apply herbicides, pesticides, and fertilizers on agricultural crops. Hence, we are of the view that Sprayers are different from irrigation systems

7.3.1 Hence, we unanimously find that the product of the applicant is a "Portable Sprayers". we find that the product "Portable Sprayers" under the HSN Code 84244100 is available. Hence, Sprayers are correctly classifiable under the HSN Code 84244100. The correct rate of GST for the product in question is (9% CGST+9% UTGST) 18%.

8. In view of the above discussing and findings, we hereby pronounce **Advance Ruling** under Sub Section 4 of Section 98 using power vested in us under sub Section 6 of Section 98, Section 96 of the Central Goods and Service Tax Act, 2017 read with Rule 103 of the Central GST Rules, 2017 and defined under Section 14 of the UTGST Act, 2017, as under-

Order/ Advance Ruling

1. In the **first** case against Application dtd 12.09.2018 filed by M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman main road, Dabhel, Nani Daman, **Advance Ruling** is given that the product **Plastics Broom-Sticks** is classifiable under HSN Code **96032100** as "**Others**" and the product Plastics Broom-Stick is eligible for concessional rate of tax vide given to the products falling under this head vide Notification No. 1/2017-CT(rate) dtd 28.06.2017 i.e. 5% IGST or 2.5% CGST + 2.5 UTGST.
2. In the **Second** case against Application dtd 24.09.2018 filed by M/s Aristoplast Products Pvt Ltd, Survey No 45/2-8, Vapi Daman main road, Dabhel, Nani Daman, **Advance Ruling** is given that the product of the applicant is a "Portable Sprayers" under the HSN Code 84244100. The correct rate for the product in question is IGST 18% or 9% CGST+9% UTGST .
3. The case is disposed off accordingly.


(Dr. Satish Kumar)
Member CGST


(Charmie Kamal Parekh)
Member UT GST

To
M/s Aristoplast Products Pvt Ltd,
Survey No 45/2-8, Vapi Daman Main Road,
Dabhel, Nani Daman

Copy to the following for information and necessary action please.

1. The Commissioner of CGST and Central Excise, Daman Commissioner.
2. The Commissioner of UTGST, Daman.
3. The Asstt. Commissioner of CGST & CE, Division-I, Daman.
4. The Superintendent of CGST & CE, Range-IV, Div-I, Daman.
5. Guard file.