



**HARYANA AUTHORITY FOR ADVANCE RULING,  
GOODS AND SERVICES TAX,  
HARYANA VANIJYA BHAWAN, PLOT NO I-3, SECTOR 5,  
PANCHKULA-134151 (HARYANA)**



**ADVANCE RULING NO.HAR/HAAR/R/2018-19/01**

(In Application No.: 04/2018-19, dated 17.04.2018)

Name & Address of the Applicant	:	M/s Oscar Security & Fire Service, Panipat.
GSTIN of the Applicant	:	06AAFPO6931P1Z5
Date of Application	:	17.04.2018
Clause(s) of Section 97(2) of CGST/HGST Act, 2017, under which the question(s) raised.	:	(b) Applicability of a notification issued under the provisions of the Act.
Date of Personal Hearing	:	20.06.2018
Present for the Applicant	:	Sh. Kunwarjeet Singh, Manager & Sh. Deepak, Account Head

**Factual Background**

As per statement of facts submitted by the applicant, M/s Oscar Security & Fire Service (applicant) is an outsourcing agency providing man power services i.e. security housekeeping, for Indian government departments and highly sensitive industrial installations like massive petrol depots, nuclear power plant, telecom tower infrastructure, thermal power plant and many more.

**Questions on which Advance Ruling is sought:-**

The applicant M/s Oscar Security & Fire Service is providing Man power services to Hospital cum General Medical College and State University (Education Institutions). In both education institutions they have raised service invoices with service tax from 01.04.2017 to 30.06.2017 and GST from 01.07.2018 onwards. Both the departments are saying that they are exempted as per GST notifications and Law. Accordingly one of the department issued us a letter stating that all medical education institutions are not liable to pay GST under section 9992 vide notification no. 12/2017 of dated 28.06.2017.

Therefore, clarification is sought on the same in written context that education or medical institutions and state university (Institutions providing Graduate Courses) are exempted or not.

**Comment of the Officer under section 98 (1) of the CGST/ HGST Act 2017**

In terms of notification no. 11/2017-Central Tax (Rate) dated 28.06.2017 Education services are taxable as per Sr. No.30-Heading 9992 (education services) and as per Sr. No. 66 Heading 9992 of notification no. 12/2017-Central Tax (Rate) dated 28.06.2017 (as amended), the following services will attract nil rate of tax,

“.. (b) Services provided to an educational institution, by way of,

- (i) transportation of students, faculty and staff;
- (ii) catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union Territory;

- (iii) *security or cleaning or housekeeping services performed in such educational institution*
- (iv) *services relating to admission to, or conduct of examination by, such institution; up to higher secondary: Provided that nothing contained in entry (b) shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent;”*

From the foregoing, it is learnt that security services provided to an educational institution up to higher secondary school level only would attract nil rate of tax.

Since the party is supplying manpower services to the medical institutions and state universities, they are liable to pay GST on supply of such services.

### **Record of Personal Hearing**

The applicant was afforded a personal hearing for 20.06.2018. The application seeking advance ruling was admitted being covered under section 97 (2) (b) of the CGST/HGST Act 2017.

These present have specifically argued regarding the applicability of Sr. No. 66 Heading 9992 of notification no. 12/2017-Central Tax (Rate) dated 28.06.2017 pertaining to institutions providing Medical and Higher Education.

### **Discussion and finding of the authority**

To understand the question raised by the applicant it is imperative to have a reference to the relevant notifications.

Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 and its corresponding notification No. 46/ST-2 Dt. 30.06.2017 under the HGST Act 2017 provides for rate of tax on supply of various services falling under chapter, section or heading of scheme of classification of services. Vide Sr. No. 30 heading 9992, education services attract GST @ 18% (9% CGST+9% HGST).

To precisely answer the query raised by the applicant, the relevant entry at Sr. No. 66 of the notification no. 12/2017-Central Tax (Rate) dated 28.06.2017 and corresponding notification No. 47/ST-2 Dt. 30.06.2017 of the State Tax is to be understood for its applicability by reading the proviso alongwith the entry itself. The notification exempts certain class of services from GST. For ease of reference the entry is reproduced below:-

#### ***Sr. No. 66 Heading 9992***

*Services provided –*

- (a) *by an educational institution to its students, faculty and staff;*
- (b) *to an educational institution, by way of,-*
  - (i) *transportation of students, faculty and staff;*
  - (ii) *catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union territory;*
  - (iii) *security or cleaning or house-keeping services performed in such educational institution;*
  - (iv) *services relating to admission to, or conduct of examination by, such institution; upto higher secondary;*



Sangeta



*Provided that nothing contained in entry (b) shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent.*

As is manifest, the provisions of clause (b) of the Sr. No. 66 of notification no. 12/2017-Central Tax (Rate) dated 28.06.2017 and corresponding notification No. 47/ST-2 Dt. 30.06.2017 of the State tax apply to services provided to educational institutions providing education up-to higher secondary school or equivalent level only.

**Advance ruling under section 98 of the CGST/HGST Act 2017**

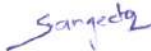
In the backdrop of above discussion and findings we Rule as under: -

“The services provided by the applicant, i.e. Man Power services to Hospital – cum - General Medical College and State University do not qualify for exemption under Sr. No. 66 of notification no. 12/2017-Central Tax (Rate) dated 28.06.2017 and corresponding notification No. 47/ST-2 Dt. 30.06.2017 of the State Tax.”

Ordered accordingly.

Pronounced.

20.06.2018  
Panchkula.

  
(Sangeeta Karmakar)  
Member CGST

  
(Vijay Kumar Singh)  
Member SGST

Regd. AD/Speed Post

M/s Oscar Security & Fire Service,  
44, Shopping Complex, Lal Tanki Market,  
Model Town, Panipat.

Copy to

1. Deputy Excise & Taxation Commissioner (ST), Panipat
2. The Assistant Commissioner, Central Tax Division, Gandhi Mandi, Panipat.