

**AUTHORITY FOR ADVANCE RULING – MADHYA PRADESH****Goods and Service Tax****O/o THE COMMISSIONER, COMMERCIAL TAX,****MOTI BUNGALOW,****MAHATMA GANDHI MARG, INDORE (M.P.) - 452007****e-mail : aar@mptax.mp.gov.in Phone : 0731- 2437315 fax. no. : 0731-2536229****PROCEEDINGS OF THE AUTHORITY FOR ADVANCE RULING**  
**U/S,98 OF THE GOODS AND SERVICES TAX ACT ,2017****Members Present**

1. Rajiv Agrawal  
Additional Commissioner,  
Office of the Commissioner,CGST and Central Excise, Indore
2. Manoj Kumar Choubey  
Joint Commissioner,  
Office of the Joint Commissioner of Commercial Tax, Indore Division-1

GSTIN Number. If any/User-id	23AACCW2134LIZI
Name and address of the applicant	M/s World Researchers Associations 80, Sector AG, A B road Scheme No. 54 Indore Madhya Pradesh 452010
Clause(s) of section 97(2) of CGST/SGST Act, 2017 under which the question(s) raised	b)Applicability of a notification issued under the provisions of this Act;  e)Determination of the liability to pay tax on any goods or services or both;
Present on behalf of applicant	Dr. Megha Garg, Director and Shree Ajay Singh, CA
Case Number	18/2019
Order dated	25/09/2019
Order Number	15/2019

**PROCEEDINGS****(Under sub-section (4) of Section 98 of Central Goods and Service Tax Act, 2017 and the Madhya Pradesh Goods & Service Tax Act, 2017)**

1. The present application has been filed u/s 97 of the Central Goods and Services Act,2017 and MP Goods and services Act, 2017 (hereinafter also referred to CGST Act



and SGST Act respectively) by M/s World Researchers Associations (hereinafter referred to as the Applicant), registered under the Goods & Services Tax.

2. The provisions of the CGST Act and MP GST Act are identical, except for certain provisions. Therefore, unless a specific mention of the dissimilar provision is made, a reference to the CGST Act would also mean a reference to the same provision under the MP GST Act. Further, henceforth, for the purposes of this Advance Ruling, a reference to such a similar provision under the CGST or MP GST Act would be mentioned as being under the GST Act.

**3. BRIEF FACTS OF THE CASE:**

3.1. World Researchers Association is an international not for profit company incorporated under section 8 of Companies Act, 2013 & registered U/s. 12AA of the Income Tax Act, 1961 carrying out activities of:

A. Promotion of research in the field of Life Sciences, Physical Sciences, Environmental Sciences, Earth Sciences, Disasters, Engineering and Technology, Management and Commerce, Food, Agriculture and Veterinary Sciences, Cosmetics Sciences, Synergy, Medical Sciences, Pharmaceutical Sciences, Education, Nutrition, Health, Social Sciences, Arts and Humanities, Law, Sports Sciences, Spiritual Sciences, Yoga, Advanced Computing and Robotics, Languages and many more;

B. Performing & publishing of online research journals on one or more of above-mentioned field/subjects.

C. Organizing Seminars, Symposiums, Conventions, Congress etc. addressing on one or more of abovementioned issues

**4. QUESTIONS RAISED BEFORE THE AUTHORITY:-**

The following questions have been posted before the Authority in the application:-

4.1 Whether the activities performed by the Association are covered under the definition of Charitable Activities as defined under clause 2(r) of Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017, thereby covering its activities under Sl. No. 1 of the same notification, implying Nil Rate of GST on such activities.

**5. CONCERNED OFFICER'S VIEW POINT:**

The activities performed by the applicant are devoid of the detailed facts therefore it is not eligible for exemption under the said notification.

**6. RECORD OF PERSONAL HEARING:**

6.1 Dr. Megha Garg, Director and Shree Ajay Singh authorized by the applicant, appeared for personal hearing and reiterated the submissions already made in the application. They reiterated the facts submitted along with the application. The Applicant states that –

6.2 Applicant is Registered U/sec. 12AA of Income Tax Act, 1961

6.3 Applicant is engaged in activities of performing, publishing and promotion of Research in the fields of Life Sciences, Physical Sciences, Environmental Sciences, Earth Sciences, Disasters, Engineering and Technology, Management and Commerce, Food, Agriculture and Veterinary Sciences, Cosmetics Sciences, Synergy, Medical Sciences, Pharmaceutical Sciences, Education, Nutrition, Health, Social Sciences, Arts and Humanities, Law, Sports Sciences, Spiritual Sciences, Yoga, Advanced Computing and Robotics, Languages and many more.

6.4 As per Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017, services by an entity registered under section 12AA of the Income Tax Act, 1961 (43 of 1961) by way of charitable activities are liable for Nil Rated GST.



**7. DISCUSSIONS AND FINDINGS:**

7.1 We have carefully considered the submissions made by the applicant in the application and during time of personal hearing.

7.2 First we have to look into the relevant entry in the notification number 12/2017-Central Tax rate dated 28.06.17 and corresponding notification issued under MPGST Act.

7.3 Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017 and corresponding notification issued under MPGST Act, at Entry No. 1 states as under:

(1)	(2)	(3)	(4)	(5)
1	Chapter 99	Services by an entity registered under section 12AA of the Income-tax Act, 1961 (43 of 1961) by way of charitable activities.	Nil	Nil

7.4 The definition of Charitable Activity for the purpose of this Notification is given in the Notification itself and it states as under:

- (r) “charitable activities” means activities relating to -
- (i) public health by way of,-
- (A) care or counseling of
- (I) terminally ill persons or persons with severe physical or mental disability;
- (II) persons afflicted with HIV or AIDS;
- (III) persons addicted to a dependence-forming substance such as narcotics drugs or alcohol; or
- (B) public awareness of preventive health, family planning or prevention of HIV infection;
- (ii) advancement of religion, spirituality or yoga;
- (iii) advancement of educational programmes or skill development relating to,-
- (A) abandoned, orphaned or homeless children;
- (B) physically or mentally abused and traumatized persons;
- (C) prisoners; or
- (D) persons over the age of 65 years residing in a rural area;
- (iv) preservation of environment including watershed, forests and wildlife;

7.5 The entry is explicitly clear as to which entities are entitled for the exemption as also the activities which, when carried on by such eligible entities are covered under the entry.

7.6 The definition of Charitable Activity is not an inclusive definition but an exclusive one, meaning that the specific activities which are treated to be falling under Charitable Activity are an exhaustive list and there is no scope of interpretation as to which activities might fall under charitable category.

7.7 The activities which are referred to as charitable, when carried on for a specific purpose are as under:

- a) care or counselling;



- b) spreading public awareness;
  - c) advancement of religion, spirituality or yoga; and
  - d) advancement of educational programmes or skill development
- 7.8 the activities performed by the applicant are:

- a) Promotion of research
- b) Performing and publishing online research journal
- c) Organizing seminars

7.9 A joint reading of activities covered under the Notification and the activities performed show that Promotions of Research and Publishing of online research journal are not activities contemplated in the exemption entry since they do not fall under care or counselling; or spreading public awareness; or advancement of religion, spirituality or yoga; or advancement of educational programmes or skill development.

7.10 Organization of Seminars, Symposiums and Conventions come under the term "spreading of public awareness". If they are for the spreading of Public Awareness of preventive health, family planning or prevention of HIV infection shall be covered under the exemption notification. The determinative factor in this case would be to ascertain whether the programme is open for public or not. Once it is established that it is not for select group of people or for a class of people, then such activity ceases to a Public Awareness activity. Since the applicability of the exemption is dependent on whether the activity is for Public Awareness, which is a fact to be ascertained from each case. In such case, Advance Ruling cannot be passed in absence of facts.

7.11 In effect therefore, the activities of Promotion of Research and activity of Performing and publishing online research journal does not fall under Charitable Activity under Notification No 12/2017 – CT (R) and corresponding notification issued under MPGST Act.

## 8. RULING

**(Under section 98 of Central Goods and Services Tax Act, 2017 and the Madhya Pradesh Goods and Services Tax Act, 2017)**

8.1 –A joint reading of activities covered under the Notification and the activities performed show that Promotions of Research and Publishing of online research journal are not activities contemplated in the exemption entry since they do not fall under care or counselling; or spreading public awareness; or advancement of religion, spirituality or yoga; or advancement of educational programmes or skill development. In absence of facts of such seminar/symposium/convention, Advance ruling can't be passed on Organization of Seminars, Symposiums and Conventions of the nature organized by the Applicant.

8.2 This ruling is valid subject to the provisions under section 103(2) until and unless declared void under Section 104(1) of the GST Act.

*Handwritten signature*



RAJIV AGRAWAL  
(MEMBER)

No. 18/2019/A.A.R/R-28/30

Copy to:-

1. Applicant
2. The Chief Commissioner, CGST & Central Excise, Bhopal Zone, Bhopal
3. The Commissioner(SGST) Indore
4. The Commissioner, CGST & Central Excise, Indore
5. The Concerned Officer
6. The Jurisdictional Officer - State/Central

MANOJ KUMAR CHOUBEY  
(MEMBER)

INDORE dt. 25/09/2019

सत्यप्रतिलिपि

Manoj Choubey

