

**GIB/KN/EMERGE/13.08.18/AAR-28****Advance Ruling Category :** Exemption**State :** Karnataka**Order No.:** GIB/KN/EMERGE/13.08.18/AAR-28**Name of Entry :**

Emerge Vocational Skills Private

**Date :** 13-08-2018**Breif Issue :****Issue & Fact of the Case:**

1 Whether the services provided by the applicant in affiliation to specified universities and providing degree courses to students under related curriculums are exempt from Goods and Services Tax vide entry no. 66 of the Notification No. 12/ 2017 – Central Tax dated 28.06.2017?

The Applicant is a private limited company engaged in providing specified educational services in the field of Hotel Management.

The applicant is an approved training partner to the National Skill Development Corporation of the Government of India and has been engaged in providing education to students under the said scheme;

The applicant is affiliated to specified universities and provides degree courses to students under related curriculum. While the administration and the curriculum is managed by the applicant, the examination is conducted and degree is granted by the University (“university curriculum”).

The Government of India has with effect from 1st July 2017, introduced a unified GST to replace the various indirect tax levies (i.e. Central Excise, VAT, Service Tax, Entry Tax, etc.) The Government has exempted certain services from levy of GST and has issued a Notification No. 12/ 2017 –Central Tax (Rate) dated 28th June 2017 to that effect.

Entry No. 66 of the said notification exempts services provided by education institutions to its students, faculty and staff. The said notification also defines an “educational institution”.

Sl. No	Chapter, Section, Heading, Group or Service Code (Tariff)	Description of Services	Rate (per cent.)	Condition
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66	Heading 9992 Services provided –	(a) by an educational institution to its students, faculty and staff;	Nil	Nil
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(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 housekeeping services performed in such educational institution; (iv) services relating to admission to, or conduct of examination by, such institution; upto 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.

As per the contention of the applicant, he is getting the institution affiliated to a University in the State of Karnataka and is also proposing to impart education as a part of a curriculum provided by the University and the examination would be conducted by the University and qualifications which are recognized by law would be issued to the successful candidates. Hence the institution would qualify as an “educational institution” for the purposes of such courses only which lead to a qualification recognized by any law for the time being in force

#### **Decision of Advance Ruling Authority :**

##### **Decision:**

The services provided by the applicant in affiliation to specified universities and providing degree courses to students under related curriculums to its students exempt from Central Goods and Services Tax vide entry no. 66 of the Notification No. 12/ 2017 – Central Tax (Rate) dated 28.06.2017 & Karnataka Goods and Services Tax vide entry no. 66 of the Notification No. 12/ 2017 – State Tax (Rate) dated 28.06.2017 subject to the condition that such education services provided must be as a part of a curriculum for obtaining a qualification recognized by any law for the time being in force.