

GIB/MH/Safset Agencies/07.10.2019/AAAR-34

Appellate Advance Ruling Category : Classification and Rate

State : Maharashtra

Order No.: GIB/MH/Safset Agencies/07.10.2019/AAAR-34

Name of Entry :

Safset Agencies Private Limited

Date : 07-01-2019

Breif Issue :

Facts & Issue Of The Case :

This appeal is filed by Safset Agencies Private Limited Against ruling No. GST-ARA-86 /2018-19/B-07 , dated 15.01.2019 pronounced by Maharashtra Authority for Advance Ruling. Applicant is an auctioneer dealing in various goods such as paintings, vintage collectibles, sculptures, classic miniatures paintings etc. The advance ruling has been sought on the following issues:

- Whether applicant is dealing in second hand goods and tax is to be paid on the difference between selling price and purchase price as stipulated in Rule 32(5) of CGST Rules, 2017?
- The classification and HSN code of goods listed in the table in “Issues for Determination” and GST rates applicable to such goods.

Specific details and description of ‘collectibles (books) has not been mentioned by the applicant the question cannot be answered. **The main issue for which the applicant has filed appeal before AAA is Whether applicant is entitled to value following goods in accordance with Rule 32(5) of the central Goods and service tax rules, 2017 or otherwise under different situations and for different commodities.**

Decision of Advance Ruling Authority :

Decision :

The appellant is eligible to take benefit of Rule 32(5) for the products mentioned here in table 1 placed by them before us except items placed at 7& 8. Ruling cannot be given on items 7 & 8 and we agree with the observations of the AAR on 7 & 8 , that in absence of any specific description of the products contained in them, no ruling can be given.