

GIB/WB/T.P. Roy/ 19.08.2019/AAR-329

Advance Ruling Category : Exemption

State : West Bengal

Order No.: GIB/WB/T.P. Roy/ 19.08.2019/AAR-329

Name of Entry :

TP Roy Chowdhury & Company Pvt Ltd

Date : 19-08-2019

Breif Issue :

Facts & Issue Of The Case :

The Applicant is stated to be acting as a stevedore and handles imported raw whole yellow peas. It seeks a ruling on whether such imported yellow peas are 'agricultural produce' and services by way of handing of it is eligible for exemption under Sl No. 54(e) of Notification No. 12/2017 - Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 FT dated 28/06/2017), as amended from time to time (hereinafter collectively referred to as Exemption Notification). The question is whether the service of loading and unloading of imported raw whole yellow peas is exempt under Sl No. 54(e) of the Exemption Notification.

The Applicant submits that it handles imported raw whole yellow peas in bulk that contains 1.45% broken grain and 10.86% split kernel. It produces a test report for a cargo of 27 ,280 MI of the above item for which the importer has engaged the Applicant as the handling contractor.

The term 'primary market' is not defined in the GST Act. It is understood in common parlance as a platform or a place, like a mandi, where the farmers are directly selling to the buyers, including the wholesalers, mills, food processing units, exporters etc. It appears that services relating to the cultivation of plants include support services as may be required till the farmer disposes the agricultural produce in the primary market. All services and processes beyond the realm of the primary market are excluded.

Decision of Advance Ruling Authority :

Decision :

The Applicant supplies the service of loading, unloading etc. after the cargo of yellow peas, imported from a foreign land, reaches the port of entry. Exemption under Sl No. 54(e) of Notification No. 12/2017 - Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 - FT dated 28/06/2017), as amended from time, is not applicable to the Applicant's service.