

GIB/MH/Lal Palmas/22.01.2020/AAR-347

Advance Ruling Category : Input Tax Credit

State : Maharashtra

Order No.: GIB/MH/Lal Palmas/22.01.2020/AAR-347

Name of Entry :

Las Palmas Co-Operative Housing Society

Date : 22-01-2020

Breif Issue :

Facts & Issue Of The Case :

The applicant is registered under the Maharashtra Co-operative housing society act, provides various services to its Residents for which members are charged maintenance charges under various heads like- Service charges, electricity charges, lift charges, Insurance Etc. The applicant has sought the advance ruling on the following issues :

- Whether the applicant shall be entitled to claim Input Tax Credit of GST paid on replacement of existing lift /elevator at its own premises to the vendor registered under goods and service tax Act for manufacture, supply, installation and commissioning od lift/elevator ?
- Whether the input tax credit ,if available; is not covered under blocked credits under the Goods and Service Tax act ?

From the section 17(5), ITC is available for “plant and machinery”. In other words it is considered as integral part of the building.

Decision of Advance Ruling Authority :

Decision :

Manufacture, supply , Installation and commissioning of Lifts/elevators is in the nature of Work Contract activity which results in creation of an immovable property. Hence in view of the above discussions and explanation to section 17 of CGST act , we are of the opinion that the applicant is not entitled to ITC of GST paid on replacement of existing lift/elevator, in its premises.

The answer for the first question is negative and the second question is not answered in

view of answer to Question no. 1 above.