

**GIB/WB/SWITCHING AVO ELECTRO/25.07.2018/AAAR-60**

**Appellate Advance Ruling Category :** Classification of Supply

**State :** West Bengal

**Order No.:** GIB/WB/SWITCHING AVO ELECTRO/25.07.2018/AAAR-60

**Name of Entry :**

M/S. SWITCHING AVO ELECTRO POWER LIMITED

**Date :** 25-07-2018

**Breif Issue :**

**FACTS AND ISSUE OF THE CASE:**

In this case the Appellant supplies power solution products and is also a manufacturer of power backups and solar products, including uninterrupted power supply system.

The Appellant submitted written submissions and argued that when UPS comprising of static converter and an external battery is supplied it falls under Tariff Head 8504 and is taxable @ 18% under item No. 375 of Schedule III of the GST Act. The main argument put forth by the appellant was that UPS cannot function without battery as such it is an integral part of UPS and hence it is naturally bundled and supplied in conjunction with each other and hence the supply of static converter along with external battery should be construed as a composite supply and not a mixed supply.

**Decision of Advance Ruling Authority :**

**DECISION:**

There is no denying of the fact that an in-built battery of static converter (UPS) is part and parcel of the uninterrupted power supply system and is covered under Tariff Head 8504 and intra-State supply thereof attracts tax under CST Act as per rate applicable to goods enumerated under Schedule III of Tax-Rate Notification(s), vide serial No. 375, but the situation changes when storage battery or electric accumulator is supplied separately irrespective of whether under a single contract or a separate contract.

The storage battery has multiple uses and can be put to different uses and when supplied separately with static converter (UPS) it cannot be considered as a composite supply or a naturally bundled supply - there is no infirmity in the Ruling rendered by the West Bengal Authority for Advance Ruling- Appeal dismissed.

The present appeal has been filed against [Case Number 04 of 2018 dated 21.03.2018](#)

