

GIB/KN/ELIOR/12.09.2019/AAR-213

Advance Ruling Category : Category

State : Karnataka

Order No.: GIB/KN/ELIOR/12.09.2019/AAR-213

Name of Entry :

Elior India Catering LLP

Date : 12-09-2019

Breif Issue :

Issue & Fact of the Case:

Whether the facts and circumstances of the case, the services rendered by the applicant under cash & carry model are in the nature of ‘ services provided by canteen’ or ‘outdoor catering services’ of notification no 11/2017- central tax rate(as amended vide notification no 46/2017)?

If the services supplied by the applicant under cash & carry model are classifiable as ‘service provided by canteen’ whether CGST and KGST be chargeable at the rate of 2.5% in terms of the above notification?

The applicant largely provides outdoor catering services to its client, wherein foods is prepared at a central kitchen operated by the applicant, transported to respective client locations and served over there, in terms of the contractual arrangement with the clients.

The applicant has entered into an agreement with CBRE South Asia pvt ltd for providing catering support services at premises Cisco System India pvt ltd.

The applicant provides catering support services to Cisco from its kitchen located at Cisco premises.

The services of the applicant are supply as per section 7 of CGST Act. It is seen that the applicant is preparing the food items at the place and is selling the good to the purchasers. There is no condition in that the premises should be own.

Section 7 of the said GST Act to inter alia include:

- all forms of supply of goods or services such as sale, transfer, etc. for a consideration made in the course or furtherance of business
- activities specifically to be treated as supply of goods or services as referred to in

Schedule II of the GST Act

- **As per SI. No. 6 of Schedule II of the GST Act**, supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (other than alcoholic liquor for human consumption), where such supply or service is for cash, deferred payment or other valuable consideration.”

Decision of Advance Ruling Authority :

Decision:

The supply of goods being food or any other article for human consumption or any drink provided by the applicant under cash and carry model where in the items are prepared in the same premises from where it is supplied is covered under notification no 11/2017-central tax .

The rate of tax applicable on the above transaction is 2.5% CGST and 2.5% SGST subject to the proviso that credit charged on goods and services used in supplying the service has not been taken.