

पत्रांक: जी.एस.टी./2018-19/

1819087/

1055

/वाणिज्य कर

कार्यालय- कमिश्नर, वाणिज्य कर,

उत्तर प्रदेश।

(जी.एस.टी. अनुभाग)

लखनऊ: दिनांक: 07 जनवरी, 2019

समस्त जोनल एडीशनल कमिश्नर, ग्रेड-1  
एडीशनल कमिश्नर ग्रेड-2(वि0अनु0शा0)  
समस्त ज्वाइन्ट कमिश्नर (कार्य0)/(वि0अनु0शा0)  
वाणिज्य कर, उत्तर प्रदेश।

विषय:- शैक्षणिक संस्थानों द्वारा खाद्य एवं पेय पदार्थों की आपूर्ति सम्बन्धी सेवाओं पर उपयुक्त जी0एस0टी0 दर के विषय में स्पष्टीकरण हेतु।


भारत सरकार, वित्त मंत्रालय, राजस्व विभाग सेन्ट्रल बोर्ड ऑफ इन्डायरेक्ट टैक्स एण्ड कस्टम द्वारा शैक्षणिक संस्थानों द्वारा खाद्य एवं पेय पदार्थों की आपूर्ति सम्बन्धी सेवाओं पर उपयुक्त जी0एस0टी0 दर के विषय में स्पष्टीकरण हेतु परिपत्र सं0- 85/04/2019-जी0एस0टी0 दिनांक 01.01.2019 को जारी किया गया। उल्लेखनीय है कि सी0जी0एस0टी0 अधिनियम/नियमावली के समतुल्य प्रावधान उत्तर प्रदेश एस0जी0एस0टी0 अधिनियम/नियमावली में भी हैं। इस परिपत्र में अंकित तथ्य उत्तर प्रदेश एस0जी0एस0टी0 अधिनियम/नियमावली के सम्बन्ध में भी प्रभावी होंगे।

उक्त परिपत्र की छायाप्रति इस पत्र के साथ संलग्न कर इस अनुरोध के साथ प्रेषित है कि कृपया अपने अधीनस्थ अधिकारियों को अवगत कराते हुए तदनु रूप कार्यवाही हेतु निर्देशित करने का कष्ट करें।

यह पत्र कमिश्नर, वाणिज्य कर, उत्तर प्रदेश के अनुमोदनोपरांत जारी किया जा रहा है।

संलग्नक:- उपरोक्तानुसार।

भवदीय,

  
(विवेक कुमार)

एडीशनल कमिश्नर (जी.एस.टी.),

वाणिज्य कर, उत्तर प्रदेश।

F. No. 354/428/2018-TRU  
Government of India  
Ministry of Finance  
Department of Revenue  
Tax research Unit  
\*\*\*\*

Room No. 156, North Block,  
New Delhi, the 1<sup>st</sup> January, 2019

To,

The Principal Chief Commissioners/ Chief Commissioners/ Principal  
Commissioners/ Commissioner of Central Tax (All) /  
The Principal Director Generals/ Director Generals (All)

Madam/Sir,

**Subject: Clarification on GST rate applicable on supply of food and beverage services  
by educational institution- reg.**

Representations have been received seeking clarification as to the rate of GST applicable on supply of food and beverages services by educational institution to its students. It has been stated that the words "school, college" appearing in Explanation 1 to Entry 7 (i) of Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 give rise to doubt whether supply of food and drinks by an educational institution to its students is eligible for exemption under Notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 Sl. No 66, which exempts services provided by an educational institution to its students, faculty and staff.

2. The matter has been examined. Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017, Sl. No. 7(i) prescribes GST rate of 5% on supply of food and beverages services. Explanation 1 to the said entry states that such supply can take place at canteen, mess, cafeteria of an institution such as school, college, hospitals etc. On the other hand, Notification No. 12/2017-Central Tax (Rate), Sl. No. 66 (a) exempts services provided by an educational institution to its students, faculty and staff. There is no conflict between the two entries. Entries in Notification No. 11/2017-Central Tax (Rate) prescribing GST rates on service have to be read together with entries in exemption Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017. A supply which is specifically covered by any entry of Notification No. 12/2017-Central Tax (Rate) dated 28-06-2017 is exempt from GST

notwithstanding the fact that GST rate has been prescribed for the same under Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017.

2.1 Supply of all services by an educational institution to its students, faculty and staff is exempt under Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017, Sl. No. 66. Such services include supply of food and beverages by an educational institution to its students, faculty and staff. As stated in explanation 3 (ii) to Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 Chapter, Section, Heading, Group or Service Codes mentioned in column (2) of the table in Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 are only indicative. A supply is eligible for exemption under an entry of the said notification where the description given in column (3) of the table leaves no room for any doubt. Accordingly, it is clarified that supply of food and beverages by an educational institution to its students, faculty and staff, where such supply is made by the educational institution itself, is exempt under Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017, vide Sl. No. 66 w.e.f. 01-07-2017 itself. However, such supply of food and beverages by any person other than the educational institutions based on a contractual arrangement with such institution is leviable to GST@ 5%.

3. In order to remove any doubts on the issue, Explanation 1 to Entry 7(i) of Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 has been amended vide Notification No. 27/2018-Central Tax (Rate) dated 31.12.2018 to omit from it the words "school, college". Further, heading 9963 has been added in Column (2) against entry at Sl. No. 66 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017, vide Notification No. 28/2018-Central Tax (Rate) dated 31.12.2018.

4. Difficulty, if any, in implementation of this Circular may be brought to the notice of the Board.

Yours Faithfully,

(Harish Y N)  
Technical Officer, TRU  
Email: harish.yn@gov.in  
Tel: 011 2309 5547