



Office of the Commissioner,  
Commercial Tax, Uttar Pradesh,  
(GST Section)

Letter No. GST/2022-23/ 56 /State Tax

Lucknow: Dated: 17/01/ , 2023

To

All Zonal Additional Commissioner, Grade -1,  
Additional Commissioner, Grade -2, (S.I.B.)  
Joint Commissioner, (Executive/Corporate Circle/ S.I.B)  
State Tax, Uttar Pradesh.

**Subject: Clarification regarding GST rates and classification of certain goods based on the recommendations of the GST Council in its 48<sup>th</sup> meeting held on 17<sup>th</sup> December, 2022, via video conferencing –reg.**

Based on the recommendations of the GST Council in its 48<sup>th</sup> meeting held on 17<sup>th</sup> December, 2022, via video conferencing, clarifications, with reference to GST levy, related to the following are being issued through this circular:

**2. Rab -classifiable under Tariff heading 1702:**

2.1 Representation has been received seeking clarification regarding the classification of "Rab". It has been stated that under the U.P. Rab (Movement Control Order), 1967, "Rab" means '*massecuite prepared by concentrating sugarcane juice on open pan furnaces, and includes Rab Galawat and Rab Salawat, but does not include khandsari molasses or lauta gur.*' Although a product of sugarcane, Rab exists in semi-solid/liquid form, and is thus not covered under heading 1701. The Hon'ble Supreme Court in its order in *Krishi Utpadan Mandi Samiti vs. M/s Shankar Industries and others* [1993 SCR (1)1037] has distinguished Rab from Molasses. Thus, Rab being distinguishable from molasses is not classifiable under heading 1703.

2.2 Accordingly, it is hereby clarified that Rab is appropriately classifiable under heading 1702 attracting GST rate of 18% (S. No. 11 in Schedule III of notification No.-KA.NI.-2-836/XI-9(47)/ 17- U.P. Act-1-2017-Order- (06) -2017 Dated: June 30, 2017).

**3. Applicability of GST on by-products of milling of Dal/ Pulses such as Chilka, Khanda and Churi/Chuni:**

3.1 Representations have been received seeking clarification regarding the applicable GST rate on by-products of milling of Dal/ Pulses such as Chilka, Khanda and Churi/Chuni.

3.2 The GST council in its 48<sup>th</sup> meeting has recommended to fully exempt the supply of subject goods, irrespective of its end use. Hence, with effect from the 1<sup>st</sup> January, 2023, the said goods shall be exempt under GST *vide* S. No. 102C of schedule of notification No.-KA.NI.-2-837/XI-9(47)/ 17- U.P. Act-1-2017-Order- (07) -2017 Dated: June 30, 2017

3.3 Further, as per recommendation of the GST Council, in view of genuine doubts regarding the applicability of GST on subject goods, matters that arose during the intervening period are hereby regularized on "as is" basis from the date of issuance of Circular No. 2223038, dated the 8th August, 2022, till the date of coming into force of the above-said S. No. 102C and the entries relating thereto. This is in addition to the matter regularized on as is basis *vide* para 8.6 of the said Circular.

**4. Clarification regarding 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice':**

4.1 Representations have been received seeking clarification regarding the applicable six-digit HS code for 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice'.

4.2 On the basis of the recommendation of the GST council in its 45<sup>th</sup> meeting, a specific entry has been created in notification No.-KA.NI.-2-836/XI-9(47)/ 17- U.P. Act-1-2017-Order- (06) -2017 Dated: June 30, 2017 and notification No. 1/2017- Compensation Cess (Rate), dated the 28th June, 2017(issued by CBIC), *vide* S. No. 12B in Schedule IV and S. No. 4B in Schedule respectively, with effect from the 1<sup>st</sup> October, 2021, for goods with description 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice'.

4.3 It is hereby clarified that the applicable six-digit HS code for the aforesaid goods with description 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice' is HS 2202 99. The said goods attract GST at the rate of 28% and Compensation Cess at the rate of 12%. The S. Nos. 12B and 4B mentioned in Para 4.2 cover all such carbonated beverages that contain carbon dioxide, irrespective of whether the carbon dioxide is added as a preservative, additive, etc.

4.4 In order to bring absolute clarity, an exclusion for the above-said goods has been provided in the entry at S. No. 48 of Schedule-II of notification No.-KA.NI.-2-836/XI-9(47)/17- U.P. Act-1-2017-Order- (06) -2017 Dated: June 30, 2017', *vide* notification No. 1242/XI-2-22-9(47)/17-T.C.205-U.P Act-1-2017-Order-207-2022 dated 31.12.2022.

**5. Applicability of GST on Snack pellets manufactured through extrusion process (such as 'fryums'):**

5.1 Representations have been received seeking clarification regarding classification and applicable GST rate on snack pellets manufactured through the process of extrusion (such as 'fryums').

5.2 It is hereby clarified that the snack pellets (such as 'fryums'), which are manufactured through the process of extrusion, are appropriately classifiable under tariff item 1905 90 30, which covers goods with description 'Extruded or expanded products, savoury or salted', and thereby attract GST at the rate of 18% *vide* S. No. 16 of Schedule-III of notification No.-KA.NI.-2-836/XI-9(47)/ 17- U.P. Act-1-2017-Order- (06) -2017 Dated: June 30, 2017.

6. Difficulty, if any, in the implementation of this circular may be brought to the notice of the Undersigned.

By Order,

*Mishra* 17/01/23

(Ministry S.)

Commissioner, State Tax,  
Uttar Pradesh.

**Copy To:**

1. Joint Commissioner (I.T.), State Tax HQ, Lucknow for uploading the Circular on the Departmental Website.

Additional Commissioner (GST)  
State Tax HQ, Lucknow.