

From

Excise & Taxation Commissioner,
Haryana, Panchkula.

To

All the Dy. Excise & Taxation Commissioner (ST),
in the State of Haryana.

Memo No. 297 /GST-2

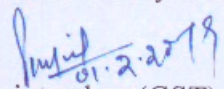
Panchkula, date the 01.02.19

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

MEMORANDUM

Please find enclosed herewith a copy of circular on the captioned
subject.

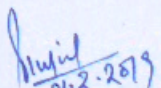
It is requested to bring this to the knowledge of all the officers
working under your control for their information and necessary action.


Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

Endst. No. 298 /GST-2, Panchkula, dated the 01.02.19

A copy of the Circular is forwarded to the following for information
and necessary action:-

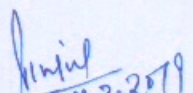
1. All the Jt. Excise & Taxation Commissioner (Division/Range) in the
State of Haryana.
2. All the Jt. Excise & Taxation Commissioner (Appeals) in the State of
Haryana.
3. PS/ ACSET.
4. PA/ETC.


Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

Endst. No. 299/GST-2, Panchkula, dated the 01.02.19

A copy of the Circular is forwarded to the following in the Head
Office for information and necessary action:-

1. All the Addl. Excise & Taxation Commissioners.
2. All the Jt. Excise & Taxation Commissioners.
3. The Jt. Director (L) -I and II.
4. The Dy. Excise & Taxation Commissioners.
5. DA-I & II.
6. DDA-I & II.


Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

**HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT**

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

The circular seeks to clarify 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. 46/ST-2, dated 30.06.2017 give rise to doubt whether supply of food and drinks by an educational institution to its students is eligible for exemption under Notification No. 47/ST-2, dated 30.06.2017 Serial No. 66, which exempts services provided by an educational institution to its students, faculty and staff.

2. Notification No. 46/ST-2, dated 30.06.2017, Serial 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. 47/ST-2, dated 30.06.2017, Serial 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. 46/ST-2, dated 30.06.2017 prescribing GST rates on service have to be read together with entries in exemption Notification No. 47/ST-2, dated 30.06.2017. A supply which is specifically covered by any entry of Notification No. 47/ST-2, dated 30.06.2017 is exempt from GST notwithstanding the fact that GST rate has been prescribed for the same under Notification No. 46/ST-2, dated 30.06.2017.

2.1 Supply of all services by an educational institution to its students, faculty and staff is exempt under Notification No. 47/ST-2, dated 30.06.2017, Serial 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. 47/ST-2, dated 30.06.2017 Chapter, Section, Heading, Group or Service Codes mentioned in column (2) of the table in Notification No. 47/ST-2, dated 30.06.2017 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. 47/ST-2, dated

30.06.2017, vide Serial 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. 46/ST-2, dated 30.06.2017 has been amended vide Notification No.106/GST-2, dated 31.12.2018 to omit from it the words "school, college". Further, heading 9963 has been added in Column (2) against entry at Serial No. 66 of Notification No. 47/ST-2, dated 30.06.2017, vide Notification No. 107/GST-2, dated 31.12.2018.

4 Difficulties faced, if any, in implementation of the above circular may please be brought to the notice of the Department.

Dated:
Panchkula

Amit Kumar Agrawal
Excise & Taxation Commissioner-cum-
Commissioner of State Tax, Haryana