

AUTHORITY FOR ADVANCE RULING, TAMIL NADU
No.207, 2nd FLOOR, PAPJM BUILDING, No.1, GREAMS ROAD,
CHENNAI 600 006.

ORDER UNDER SECTION 98(4) OF THE CGST ACT, 2017 AND
UNDER SECTION 98(4) OF THE TNGST ACT, 2017

Members present:

Shri Balakrishna S, I.R.S., Additional Commissioner/Member (CGST), Office of the Commissioner of GST and Central Excise, Audit II Commissionerate, Chennai - 600 034.	Shri B.Suseel Kumar, B.E., MBA., Joint Commissioner/Member (SGST), Authority for Advance Ruling, Tamil Nadu, Chennai - 600 006.
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Advance Ruling No. 13/ARA/2025, dated 29.04.2025

- 1. Any appeal against this Advance Ruling order shall lie before the Tamil Nadu State Appellate Authority for Advance Ruling, Chennai under Sub-Section (1) of Section 100 of CGST Act 2017/TNGST Act 2017, within 30 days from the date on which the ruling sought to be appealed is communicated.*
- 2. In terms of Section 103(1) of the Act, Advance Ruling pronounced by the Authority under Chapter XVII of the Act shall be binding only-*
 - (a) On the applicant who had sought it in respect of any matter referred to in sub-section (2) Section 97 for advance ruling.*
 - (b) On the concerned officer or the Jurisdictional Officer in respect of the applicant.*
- 3. In terms of Section 103(2) of the Act, this Advance Ruling shall be binding unless the law, facts or circumstances supporting the original advance ruling have changed.*
- 4. Advance Ruling obtained by the applicant by fraud or suppression of material facts or misrepresentation of facts, shall render such ruling to be void ab initio in accordance with Section 104 of the Act.*
- 5. The provisions of both the Central Goods and Services Tax Act and the Tamil Nadu Goods and Services Tax Act (herein referred to as the Act) are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the Central Goods and Services Tax Act would also mean a reference to the same provisions under the Tamil Nadu Goods and Services Tax Act.*

GSTIN Number, if any/User id	33ABKCS8465M1ZL
Legal Name of Applicant	M/s. Srinacss Enviro Private Limited
Trade Name of Applicant	M/s. Srinacss Enviro Private Limited
Registered Address/ Address provided while obtaining User id	No.2-173, 1 st Main Road, 2 nd Cross Street, Gomathipuram, Madurai – 625 020.
Details of Application	Application Form GST ARA-01 received from the applicant on 23.09.2024.
Jurisdictional Officer	Centre – Madurai North-East Range, Madurai Commissionerate State – Madurai Rural (East) Circle Madurai Division.
Nature of activity (s) (proposed/present) in respect of which advance ruling sought for A. Category B. Description (in brief)	Service Provision The applicant is a company engaged in the provision of environmental services including sanitation, toilet cleaning, cleaning and clearing, Gardening and Security services.
Issues on which advance ruling required	Classification of any goods or services or both. Applicability of a notification issued under the provisions of this Act. Determination of the liability to pay tax on any goods or services or both.
Question(s) on which advance ruling is required	- Whether cleaning and sanitary services rendered under the head “House-keeping” services provided to Indian Institute of Information Technology, Design and Manufacturing, (IIITDM) Kancheepuram - an Institute of National Importance established by Government of India - are exempted from GST liability? - The said Institute has given letter dated 09.05.2024 to us, claiming sanitation provided to them is exempt as per Ministry of Finance Notification No.13/2023 - CT (Rate) dated 19.10.2023 and hence they want us to raise invoice without GST. - Whether it will be lawful for us to raise invoice without GST as per request of the above said institute?

M/s. Srinacss Enviro Private Limited, located at No.2-173, 1st Main Road, 2nd Cross Street, Gomathipuram, Madurai – 625 020, (hereinafter called as the “Applicant”) is a company who are engaged in the provision of environmental services including sanitation, toilet cleaning, cleaning and clearing, Gardening and Security services.

2. The Applicant has made a payment of application fees of Rs.5,000/- each under sub rule (1) of Rule 104 of CGST Rules, 2017 and TNGST Rules, 2017. The Applicant has filed this application seeking Advance Ruling on the following questions, viz.,

- (i) Whether cleaning and sanitary services rendered under the head “House keeping” services provided to Indian Institute of Information Technology, Design and Manufacturing, Kancheepuram (An Institute of National Importance established by Government of India)?
- (ii) The said Institute has given letter dated 09.05.2024 to us, claiming sanitation provided to them is exempt as per Ministry of Finance Notification No.13/2023-CT (Rate) dated 19.10.2023 and hence they want us to raise invoice without GST.
- (iii) Whether it will be lawful for us to raise invoice without GST as per request of the above said institute?

3.1. The applicant submits that the present application is maintainable under Section 97 of the CGST / TNGST Act, 2017, under the following head, viz.,

- i. Applicability of notification issued under the provisions of this Act;
- ii. Determination of the liability to pay tax on any goods or services or both;

3.2. Under the ‘Statement containing the applicant’s interpretation of law and/or facts’, as in Sl.No.16 of the application, the applicant states as follows :-

*“1. The institute (service recipient) being an Institute of National Importance established by Government of India can be classified as Government authority.
2. Sanitation service will come under the head housekeeping services and hence notification No.13/2023 applicable for services rendered by us.”*

And in this regard, the applicant has enclosed the following documents, viz.,

1. Copy of tender document and work order given by the Institute.
2. Copy of letter dated 09.05.2024 given by the Institute.
3. Copy of notification No.13/2023 – Central Tax (Rate) dated 19.10.2023.

4.1. Prima facie, we find that the queries raised by the applicant get covered under clauses (b), and (e) of the Section 97(2) of the CGST Act, 2017, and as such are liable to be admitted.

4.2. The applicant falls within the administrative jurisdiction of ‘CENTER’. The Central jurisdictional authority vide their letter dated 24.12.2024 have stated that the scope of work in the instant case does not fall under sanitation conservancy, but only merit to be classified as House Keeping services which is liable to GST. It was further stated therein that there are no cases / Show cause notices are pending against the said taxpayer.

4.3. The State jurisdictional authority has not furnished any report and hence it is construed that there are no cases / Show cause notices are pending against the said applicant on the questions raised by them in the instant application.

PERSONAL HEARING

5.1. Shri A. Esaki Karthick, Accounts Officer, and Shri G. Priyadarsan, Business Development Manager of M/s. Srinacss Enviro (P) Ltd., appeared for the personal hearing as the authorized representatives (AR) of M/s. Srinacss Enviro (P) Ltd. The AR reiterated the submissions made in their application for advance ruling.

5.2. They further explained that they carry out 'Housekeeping/Cleaning Services', to M/s. Indian Institute of Information Technology, Design and Manufacturing (IIITDM) Kancheepuram, a public technical and research Institution funded by the Ministry of Education, Government of India. They further stated that pursuant to the issue of Ministry of Finance Notification No.13/2023-CT(Rate) dated 19.10.2023, the IIITDM by way of issue of letter dated 09.05.2024, have requested the applicant to raise invoices for cleaning/Housekeeping without GST, as GST is exempted in respect of sanitation, water supply and solid waste management services provided to a 'Governmental Authority' by a service provider. They furnished sample copies of invoices raised by them on IIITDM, extension of award of contract dated 26.03.2025 issued by IIITDM, and a copy of the GSTR-3B filed by them for the month of February 2025. When the members pointed out that the query No.1 raised by them in the application appears to be incomplete, they undertook to re-phrase the said query on the same day, which they did by way of issue of letter dated 27.03.2025 to the Authority for Advance Ruling.

DISCUSSION AND FINDINGS

6.1. We have carefully considered the submissions made by the applicant in the advance ruling application, and the additional submissions made during the personal hearing held on 27.03.2025.

6.2. We find from the application filed by the applicant that they are into provisioning of 'House Keeping' services including sanitation, toilet cleaning, cleaning and clearing, Gardening and Security services. Further, we find that the question for advance ruling raised by the applicant revolves around the supply of such 'House Keeping' services rendered to M/s. Indian Institute of Information Technology, Design and Manufacturing (IIITDM) Kancheepuram, which is a public technical and research Institution funded by the Ministry of Education, Government of India.

6.3. We found that the query No.1 of the application for advance ruling filed by the applicant appeared to be incomplete, and when the same was pointed out during the personal hearing held on 27.03.2025, the applicant through their letter dated 27.03.2025 re-phrased query as follows :-

"Whether cleaning and sanitary services rendered under the head "House-keeping" services provided to Indian Institute of Information Technology, Design and Manufacturing, (IIITDM) Kancheepuram - an Institute of National Importance established by Government of India – are exempted from GST liability?"

6.4. We also note that the letter dated 09.05.2024 issued by IIITDM, has prompted the applicant to come up with this request for advance ruling. Under the said letter, the IIITDM is seen to have intimated the applicant about the Ministry of Finance Notification No.13/2023-CT (Rate) dated 19.10.2023, as a result of which it was conveyed to the applicant that GST was exempted in respect of sanitation, water supply and solid waste management services, when provided to a government authority by a service provider. Accordingly, the IIITDM has requested the applicant to raise invoices without GST henceforth.

6.5. We find that the queries for which advance ruling is sought, are as under :-

- (i) Whether cleaning and sanitary services rendered under the head "House-keeping" services provided to Indian Institute of Information Technology, Design and Manufacturing, (IIITDM) Kancheepuram - an Institute of National Importance established by Government of India – are exempted from GST liability?
- (ii) The said Institute has given letter dated 09.05.2024 to us, claiming sanitation provided to them is exempt as per Ministry of Finance Notification No.13/2023-CT (Rate) dated 19.10.2023 and hence they want us to raise invoice without GST.
- (iii) Whether it will be lawful for us to raise invoice without GST as per request of the above said institute?

Though three queries as above have been raised by the applicant in the instant case, the essence of all the queries put together, and the short-point for consideration is whether House-keeping services rendered to IIITDM by the applicant is exempted from payment of GST or not.

6.6. On a perusal of the Notification No.13/2023-CT (Rate) dated 19.10.2023, it is seen that the same is an amendment made to the original exemption notification No.12/2017-Central Tax (Rate), dated the 28.06.2017, wherein a new entry vide serial number 3B has been inserted, as follows :-

(1)	(2)	(3)	(4)	(5)
"3B	Chapter 99	Services provided to a Governmental Authority by way of – (a) <u>water supply</u> ; (b) <u>public health</u> ; (c) <u>sanitation conservancy</u> ; (d) <u>solid waste management</u> ; and (e) <u>slum improvement and upgradation</u> .	Nil	Nil"

It could be seen from the above that the exemption is available to the services provided to "Governmental Authority" by way of the specific activities referred above.

6.7. Under the circumstances of the case, it becomes imperative to analyse the term "Governmental Authority", and ascertain whether the institution IIITDM fits into the said category, before proceeding further. The term "Governmental Authority" is seen to have been defined under clause (zf) of the exemption notification No.12/2017-Central Tax (Rate), dated the 28.06.2017, as below :-

"Governmental Authority" means an authority or a board or any other body, -

- (i) *set up by an Act of Parliament or a State Legislature; or*
- (ii) *established by any Government,*
*with 90 per cent. or more participation by way of equity or control, **to carry out any function entrusted to a Municipality under article 243 W of the Constitution or to a Panchayat under article 243 G of the Constitution.***

The above definition makes it clear that mere creation of an authority or board or any other body by any Government, or by an act of Parliament or State Legislature with 90 percent or more participation by way of equity or control, is not enough to categorise a body as a 'Governmental Authority' whereas such bodies are required to carry out any function entrusted to a Municipality under article 243W of the Constitution or to a Panchayat under article 243G of the Constitution, in order to attain such status.

6.8. We find that the Indian Institute of Information Technology Design and Manufacturing Kancheepuram (IIITDM Kancheepuram) is a Centre of Excellence for technical education and research established in 2007 by the Ministry of Education, Government of India to pursue design and manufacturing oriented engineering education and research and to promote the competitive advantage of Indian products in global markets. Whereas, it is seen that activities in relation to water supply, public health, sanitation conservancy, solid waste management, slum improvement and upgradation, etc., are the constitutional responsibilities entrusted to a Municipality or a Panchayat under the respective articles of the Constitution, and when a body is created to carry out such functions entrusted to a Municipality or a Panchayat, such bodies do get categorised as 'Governmental Authority' as per the clause (zf) of the exemption notification No.12/2017-Central Tax (Rate), dated the 28.06.2017. However, we find that in the instant case, IIITDM is not entrusted with any such constitutional function so as to get categorised as a 'Governmental Authority'.

6.9. Further, we find that IIITDM through their letter dated 09.05.2024 addressed to the applicant, has stated that GST was exempted in respect of sanitation, water supply and solid waste management services, when provided to a government authority by a service provider, and accordingly, they have requested the applicant to raise invoices without GST henceforth. At this juncture, it also becomes imperative to distinguish the 'housekeeping' services, provided by the applicant to IIITDM, as against the 'sanitation, water supply and solid waste management services', referred to by IIITDM in the aforesaid letter. While 'housekeeping' is a straightforward service which involves supply of manpower for the purpose of cleaning, gardening, security, etc., 'sanitation, water supply and solid waste management services' on the other hand refers to broader range of function entrusted to the Government (Municipality/Panchayat) to be carried out for the public in general, which involves provision of drainage and other sanitation related

activities, supply of water for domestic and commercial needs, and solid waste management which includes collection of waste from individual houses/commercial establishments/institutions, processing of the said waste and disposal of the same. We are, therefore, of the considered opinion that the 'housekeeping' services provided by the applicant to IIITDM, cannot be equated to 'sanitation, water supply and solid waste management services', in any manner whatsoever, and accordingly the provisions of Notification No.13/2023-CT (Rate) dated 19.10.2023, do not apply to the instant case. Further, the description of the service rendered as seen from the sample copy of Invoice No.Ch-2024-25-0818 dated 4.02.2025, as reproduced below, proves the case in point, i.e.,

"Cleaning Service Charges

Service Charges for Providing Manpower at Various Categories at Admin & Academic Block of IIITDM Campus, at Kancheepuram, Melakkottaiyur, Chennai for the Month of Jan-2025.

No. of Man Power 26 Persons

Total Mandays =786.5 Mandays"

Further, it is also seen from the Work Order dated 17.11.2023 issued by IIITDM to the applicant, under which the award of contract has been extended for a period of one year from 01.11.2023 to 31.10.2024, the work assigned to the applicant has clearly been referred to as **"Housekeeping Services"**.

6.10. IIITDM, being an educational institution funded by the Ministry of Education, Government of India, we find that in order to determine as to whether the services provided by the applicant is otherwise exempted from GST, the provisions of the Serial No.66 of Notification No.12/2017 – Central Tax (Rate) dated 28th June 2017, is also required to be examined, the extract of which is reproduced below:-

S.No	Heading/ Service Code	Description of Services	Rate	Condition
66	Heading 9992	Services provided - (a) by an educational institution to its students, faculty and staff; (b) <u>to an educational institution, by way of-</u> (i) transportation of students, faculty and staff; (ii) catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union territory; <u>(iii) security or cleaning or house-keeping services performed in such educational institution;</u> (iv) services relating to admission to, or conduct of examination by, such institution; upto higher secondary; <u>Provided that nothing contained in entry (b) shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent.</u>	Nil	Nil

It could be seen from the above, that the entry as above states clearly that services provided to an educational institution, by way of "security or cleaning or house-keeping services performed in such educational institution", as in clause b(iii) of column 3, are exempt from payment of GST. However, it may be seen that the proviso appended therein clearly provides an embargo to the effect that such exemption is available when such services are provided to educational institutions which provide "**pre-school education and education up to higher secondary school or equivalent**". Accordingly, as IIITDM does not fall under the said category, it becomes clear that 'housekeeping' services provided by the applicant in the instant case, are not exempted from the payment of GST.

6.11. In fine, it is clear that IIITDM do not fall within the ambit of the term 'Governmental Authority' as defined under clause (zf) of the exemption notification No.12/2017-Central Tax (Rate), dated the 28.06.2017. Further, we find that the work assigned to the applicant by IIITDM is nothing but an activity in relation to house-keeping/cleaning services, and not in relation to sanitation or solid waste management, as claimed in the application filed by the applicant. We are, therefore, of the considered opinion that house-keeping/cleaning service provided to IIITDM by the applicant is not exempted from payment of GST either under entry Sl.No.3B or under Sl.No.66 of the exemption Notification No.12/2017 – Central Tax (Rate) dated 28th June 2017, as amended.

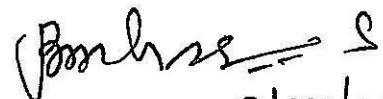
7. In view of the above, we rule as under;

RULING

- i) The house-keeping/cleaning service provided to IIITDM by the applicant is not exempted from payment of GST.
- ii) The work assigned to the applicant by IIITDM is nothing but an activity in relation to house-keeping/cleaning services, and not in relation to sanitation or solid waste management.
- iii) It will not be lawful on the part of the applicant to raise invoice without GST, in the instant case.


(B.Suseel Kumar)
Member (SGST)




(Balakrishna S)
Member (CGST)

To

M/s. Srinacss Enviro Private Limited,
No.2-173, 1st Main Road, 2nd Cross Street,
Gomathipuram, Madurai – 625 020.

(By RPAD)

Copy submitted to

1. The Principal Chief Commissioner of GST and Central Excise,
26/1, Uthamar Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.
2. The Commissioner of Commercial Taxes,
2nd Floor, Ezhilagam, Chepauk, Chennai 600 005.
3. The Commissioner of GST and Central Excise,
Madurai Commissionerate, Central Revenue Building,
No.4, Lal Bahadur Shastri Road, Bibikulam, Madurai – 625 002.

Copy to

1. The Assistant Commissioner (ST),
Madurai Rural (East) Assessment Circle,
1st Floor, Dr. Thangaraj Salai,
KK Nagar, Madurai – 20.
2. Master File / Stock File – A1