

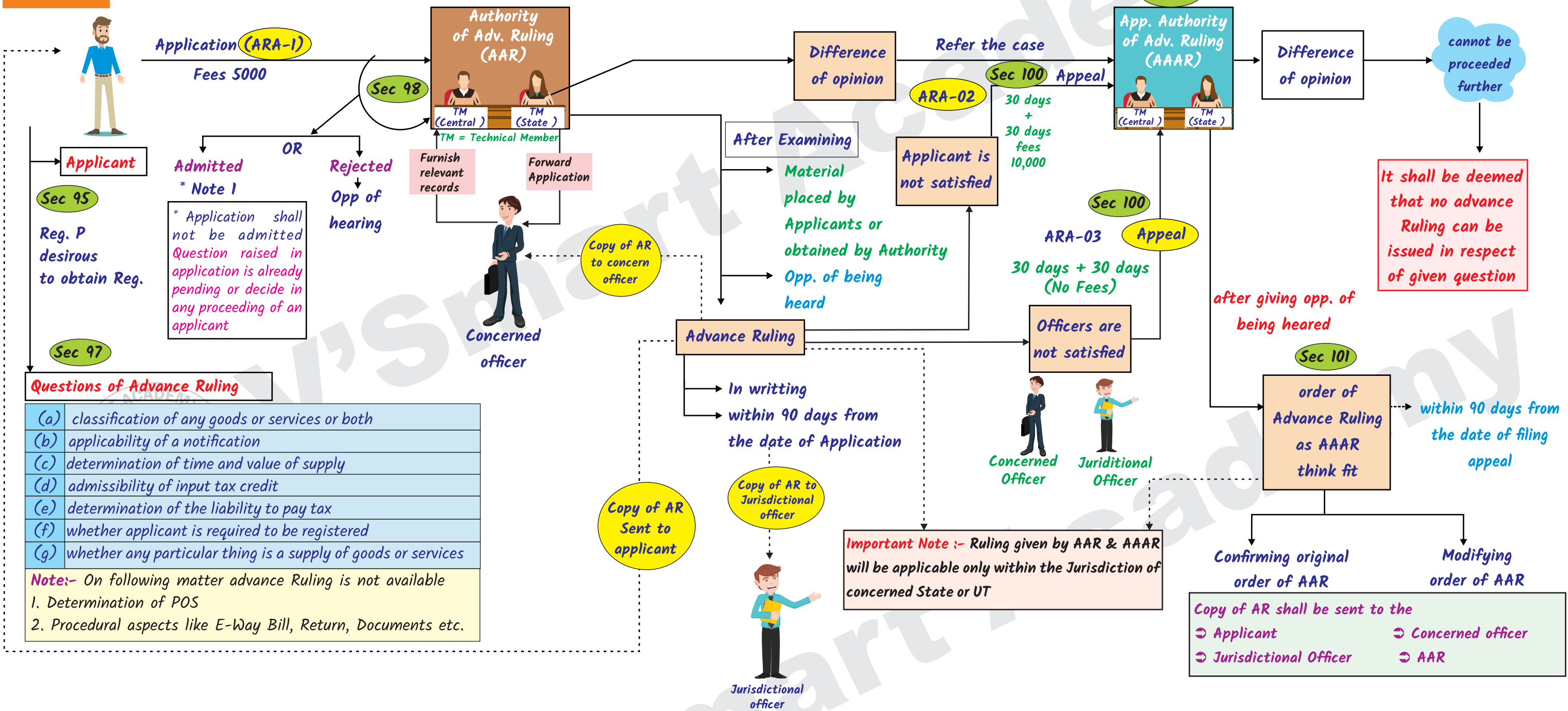
# Advance Ruling



CA Vishal Bhattad

**Sec 95** "advance ruling" means a decision provided by the AAR or the AAAR to an applicant on matters or on questions specified in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant

## Sec 96 State Govt. [Every State]



- Questions of Advance Ruling**
- (a) classification of any goods or services or both
  - (b) applicability of a notification
  - (c) determination of time and value of supply
  - (d) admissibility of input tax credit
  - (e) determination of the liability to pay tax
  - (f) whether applicant is required to be registered
  - (g) whether any particular thing is a supply of goods or services
- Note:-** On following matter advance Ruling is not available
1. Determination of POS
  2. Procedural aspects like E-Way Bill, Return, Documents etc.

**102:- Rectification of advance ruling**

- ⇒ Rectify any error apparent on the face of record
- ⇒ Error noticed by Own/concerned officers/ Jurisdictional officers /Applicant
- ⇒ Rectification is allowed within **6 month** from the date of order
- ⇒ If tax enhanced or ITC reduced on rectification opportunity of being heard given

**103:- Applicability of advance ruling**

- ⇒ Advance Ruling by AAR/AAAR is binding on
  - a) on the applicant who had sought it
  - b) concerned officers or Jurisdictional Officer
- ⇒ Order inoperative if law, facts or circumstances supporting the original AR have changed

**104:- Advance ruling to be void in certain circumstances.**

- ⇒ AR is void- ab-initio if it obtained by fraud or suppression of material facts or misrepresentation of facts
- ⇒ All provisions of this act/rule are applicable as if such AR had never been given
- ⇒ Opportunities of being heard required

**105:- Powers of Authority and Appellate Authority**

- ⇒ AAR/AAAR have all powers of a civil court under code of civil procedure 1908 for
  - Discovery & Inspection enforcing the attendance of any person & examination him on oath, issuing commissions & compelling of books of account & other records
- ⇒ Every proceeding before AAR/AAAR shall be deemed to be a Judicial proceeding

**106:- Procedure of Authority and Appellate Authority**

The Authority or the Appellate Authority shall, subject to the provisions of this Chapter, have power to regulate its own procedure.