


OFFICE OF THE GUJARAT AUTHORITY FOR ADVANCE RULING COMMISSIONERATE OF GOODS AND SERVICES TAX, GUJARAT STATE. D/5, RAJYA KAR BHAVAN, ASHRAM ROAD, AHMEDABAD – 380 009.	
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RULING ORDER NO. GUJ/GAAR/R/17/2019
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2018/AR/17)

Date: 28.08.2019

Name and address of the applicant	:	M/s. Superstar Amusement Pvt. Ltd 81/173-2, Jaldhara Water World, Balvatika, Kankaria, Maninagar Ahmedabad
GSTIN of the applicant	:	24AADCS0299R1ZR
Date of application	:	10.04.2018
Clause(s) of Section 97(2) of CGST / GGST Act, 2017, under which the question(s) raised.	:	(a) Classification of any goods or services or both.
Date of Personal Hearing	:	14.06.2018
Present for the applicant	:	Shri Pravin Shah, CA (Consultant)

PROCEEDINGS

(Under section 98 of the Central Goods and Services Tax Act, 2017 and the Gujarat Goods and Services Tax Act, 2017)

The present application has been filed under section 97 of the Central Goods and Services Tax Act, 2017 and the Gujarat Goods and Services Tax Act, 2017 [herein after referred to as “the CGST Act” and GGST Act”] by M/s. Superstar Amusement Pvt. Ltd., Ahmedabad, the applicant seeking an advance ruling in respect of the following question:

- *What rate of tax is applicable when they are giving access right to visitor for individual joy rides in their amusement park?*

At the outset, we would like to make it clear that the provisions of both the CGST Act and GGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provision under the GGST act. Further to the earlier, henceforth for the purpose of this Advance Ruling, the expression ‘GST Act’ would mean CGST Act and GGST Act.

02. **FACTS AND CONTENTION- AS PER THE APPLICANT:**

The submission, as reproduced verbatim, could be seen thus-

STATEMENT OF THE RELEVANT FACTS HAVING A BEARING ON THE QUESTION(S) ON WHICH THE ADVANCE RULING IS REQUIRED:

- (I) This application is being preferred by M/s. Superstar Amusement Pvt. Ltd. ("Applicant"), a company incorporated in India under the provisions of the Company act, 1956, having its registered office at Ghanshyambhai K. Patel, 26, Vivekanand Co-op Society Ltd., Amraiwadi, Ahmedabad-380 026.
- (II) Applicant is running Amusement park at Kankaria Lake front in the name of "Amusement World" with the support of Ahmedabad Municipal Corporation. They have installed more than 15 joy rides for children as well as for adult. They are running joy rides with two types of schemes, viz.
 - (i) They are taking fees at the entry point and giving right for unlimited times ride within their premises to visitors, except 2-3 big rides in their premises; and
 - (ii) The visitor, who wants to enjoy that 2-3 big rides have to pay extra money for per ride enjoyment.
- (III) Their concern is that GST Department has clearly given indication or clarification in their 25.01.2018 meeting that for every joy rides whether on entry basis or per ride basis, GST will be applicable @18% only which was 28% at initial level. And as per circular, they are collecting GST and pay regularly to the Govt. on the monthly basis.
- (IV) Ahmedabad Municipal Corporation, vide their letter dated 22.03.2018, give them instruction that they have to apply two types of GST rate in their Amusement Park, viz. (i) they have to charge GST @18% when they are collecting entry fees at the e they have to collect GST @28% when they are collecting fees to access individual because that is not included in the entry point.
- (V) They have discussed many times with the authority that Govt. intention is not such, even in the Circular, which was issued in the February-2018, it is clearly mentioned that enjoying camel ride, horse ride, boat ride is consider as joy rides and GST is applicable @ 18% thereon.

03. **HEARING:**

Preliminary hearing in the matter was held on 10.05.2018, Shri Pravin Shah, CA appeared and requested for admission of application as per contentions made in their application. The application was admitted and called for final hearing on -----, Shri-----appeared and made both oral and written submissions. The jurisdictional officer has neither furnished comments on admissibility and merits of the application nor was present.

04. **Discussion and Findings:**

We have gone through the facts of the case, documents on record and submission made by the Applicant.

Applicant is running Amusement park at Kankaria Lake front in the name of “Amusement World” with the support of Ahmedabad Municipal Corporation. They have installed more than 15 joy rides for children as well as for adult. They are running joy rides with two types of schemes, viz. (i) They are taking fees at the entry point and giving right for unlimited times ride within their premises to visitors, except 2-3 big rides in their premises; and (ii) The visitor, who wants to enjoy that 2-3 big rides have to pay extra money for per ride enjoyment.

Applicant has sought for advance ruling on the question that what is the classification of Amusement services in Amusement Park like merry-go rounds and other rides and what rate of tax is applicable when they are giving access right to visitor for individual joy rides in their amusement park?

We find that the applicant is supplying services by way of access to amusement facilities including merry-go rounds and other rides in their amusement park to visitors.

The HSC code (Tariff Group/ Heading) for the supply of amusement services in Amusement Park like merry-go rounds and other rides shall be **99969/999691**, as detailed hereunder:

“99969 Other amusement and recreational services

999691 Amusement park and similar attraction services

This service code includes services involving organization, operation, admission to and other related services of

- i. amusement parks*
- ii. attractions and fun fair*
- iii. operation of preserved railways*
- iv. other similar attractions.”*

We note that, initially, as per Notification No. 11/2017- Central Tax (Rate), dated 28th June, 2017, GST rate on services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go-rounds, go- carting and ballet was 28 per cent, extract whereof is reproduced below:

Sl. No.	Chapter, Section or Heading	Description of Service	Rate (per cent.)	Condition
(1)	(2)	(3)	(4)	(5)
34	Heading 9996 (Recreational, cultural and sporting services)	(iii) Services by way of admission to entertainment events or access to amusement facilities including exhibition of cinematograph films, theme parks, water parks, joy rides, merry-go rounds, go-carting, casinos, race-course, ballet, any sporting event such as Indian Premier League and the like.	14	-

However, subsequently, the GST Council had recommended reduction of GST rate on services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go-rounds, go-carting and ballet from 28 per cent to 18 per cent. Accordingly, department has issued the Notification No. 01/2018- Central Tax (Rate), dated 25th January, 2018 to amend the above Notification No.11/2017-Central Tax (Rate), dated 28th June, 2017 to that effect, extract whereof is reproduced below:

Sl. No.	Chapter, Section or Heading	Description of Service	Rate (per cent.)	Condition
(1)	(2)	(3)	(4)	(5)
34	Heading 9996 (Recreational, cultural and sporting services)	(iii) Services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go rounds, go-carting and ballet.	9	-

In view of the above, the rate of CGST on the supply of amusement services in amusement park like merry-go rounds and other rides being made to visitors shall be 9% according to Notification No. 11/2017- Central Tax (Rate), dated 28th June, 2017, as amended (vide Notification No. 01/2018- Central Tax (Rate), dated 25th January, 2018), as mentioned above.

Further, the rate of GGST on the aid services shall be also 9% as per the corresponding Notification to the Notification No. 11/2017- Central Tax (Rate), dated 28th June, 2017, as amended by Notification No. 01/2018- Central Tax (Rate), dated 25th January, 2018, issued under GGST Act, 2017. Thus, currently the tax rate to be applied to impugned services is 18% GST.

In light of the above, we rule as under:

RULING

Question :- What rate of tax is applicable when they are giving access right to visitor for individual joy rides in their amusement park?

Answer :- The HSC code (Tariff Group/ Heading) for the supply of amusement services in Amusement Park like merry-go rounds and other rides shall be 99969/999691. The rate of tax applicable to the services will be 18% GST.

(R.B. Mankodi)
Member

(G.C. Jain)
Member

Place: Ahmedabad
Date: 28.08.2019