

# Kandla Port Trust (Deendayal Port Trust)

Authority for Advance Ruling — Gujarat

**GUJ/GAAR/ADM/2018/30 dated 30.07.2018**

## Q Questions Before the Authority

- Whether DPT shall continue to pay GST on disputed claim?
- How is it possible for DPT to claim refund for GST paid out of pocket, if the matter / dispute concluded in favour of party / lease holder, considering the fact that it may conclude after period of 2 or more years?

## F Facts

The applicant, a major port trust, revised its land lease rates as per the directions of the Tariff Authority of Major Ports. Several lessees challenged these revised rates, leading to ongoing litigation and non-payment of the disputed lease rent and associated GST by the lessees. The applicant has been paying the GST on these disputed amounts out of its own pocket and sought guidance on its continued liability and the mechanism for claiming refunds if the disputes are eventually decided against it.

## H Ruling

**Liability to pay GST on disputed claims and refund mechanism**

**Rejected**

The Authority lacked jurisdiction to decide these issues under Section 97(2).

The Authority rejected the application at the admission stage without addressing the merits of the questions. It held that the issues raised do not fall within the scope of matters that can be decided under the Advance Ruling mechanism.

## R Reasoning

The Authority examined its jurisdiction under Section 97(2) of the CGST and GGST Acts, which limits its power to specific issues such as classification, valuation, and tax liability. It concluded that the questions regarding the obligation to pay tax on disputed claims and the procedure for claiming refunds for such payments do not fall under any of the categories enumerated in Section 97(2). Consequently, the Authority determined it was **lacking jurisdiction** to entertain the application and rejected it under Section 98(2) of the Acts.

## P Provisions Relied On

Section 96 of the Gujarat Goods and Services Tax Act, 2017

Section 97(2) of the CGST Act, 2017

Section 97(2) of the GGST Act, 2017

Section 98(2) of the CGST Act, 2017

Section 98(2) of the GGST Act, 2017



## For the Practitioner

This ruling serves as a reminder that the Advance Ruling Authority is a creature of statute with **strictly limited jurisdiction**. It does not provide a forum for resolving general commercial disputes, litigation strategy, or procedural refund queries that fall outside the specific list of issues defined in Section 97(2). Practitioners should avoid approaching the AAR for guidance on tax administration or refund mechanics arising from ongoing civil or commercial litigation.

### Source

Summary prepared from the published order, which is a scanned document. It is a reading aid and not the authority; where the two differ, the order governs. Verify every provision against the original before relying on it.

Original order: [www.gstcouncil.gov.in](http://www.gstcouncil.gov.in) -> [guj.30-2018-19 dt 30.07.18 kpt.pdf](#)

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