# M/s Ashiana Maintenance Services LLP

Authority for Advance Ruling — Haryana

**Advance Ruling No. HAR/HAAR/R/2019-20/08 (In Application No. 08/2019…** Dated **13.09.2019**

## Q Questions Before the Authority

- Whether the supply of water to individual units in the project under the MOU is a separate supply of goods or a composite/mixed supply with the maintenance services.
- If the supply is a separate supply of goods, what is the appropriate rate of GST chargeable thereon.

## F Facts

The applicant is a facility management LLP that maintains residential projects. It maintains Phase I of Ashiana Anmol, a group housing project of Ashiana Housing Limited, under a Maintenance Agreement with the residents' owners association. Because HSVP has not yet laid the water supply infrastructure, the applicant also proposes to enter into separate MOUs with each buyer, under which it would buy water tankers from the open market, collect advance water charges, and supply water to the units until HSVP takes over.

## H Ruling

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| **Whether MOU water supply to units is a separate supply of goods or composite/mixed with maintenance services (Q 2.1)** | ****Not separate. The MOU and maintenance agreement are directly linked, so GST is payable as applicable on the maintenance agreement.**** | The order does not classify the water supply under any HSN or assign it a rate. Q 2.2 is not answered separately because the authority did not accept that a separate supply of goods exists. |

The authority held that the MOU and the maintenance agreement are directly linked, because there is no direct supply of water by the applicant to individual residents. The water supply to individual units is therefore not different from the supply of water for maintenance services. The applicant was held liable to pay GST as applicable on the maintenance agreement.

## R Reasoning

The authority found that the applicant was splitting a single supply of water to the residents' association into a maintenance component and an MOU component. Water was stored in common underground and overhead tanks maintained by the association, and charges under the MOU were levied per square foot, similar to maintenance charges. The authority inferred that the supply was in substance to the Resident Welfare Association, and that the split was designed to keep residents' monthly charges within the Rs. 7,500 per member exemption limit or the applicant's turnover within the Rs. 20 lakh threshold. It relied on Sl. No. 77 of Notification No. 12/2017 (as printed in the order) and CBIC Circular No. 109/28/2019-GST dated 22.07.2019 on RWA services.


Prepared as a reading aid. Where this summary and the original order differ, the order governs.

## P Provisions Relied On

Section 97(2)(a), (e) and (g) of the CGST/HGST Act, 2017 (grounds for advance ruling, as cited in the application)

Notification No. 12/2017 (Central Tax (Rate)) dated 28.06.2017, Sl. No. 77, Heading 9995 (as reproduced in the order)

Notification No. 12/2018-Central Tax (Rate) dated 28.06.2019, clause (c) of Sl. No. 77 (as cited in the circular)

CBIC Circular No. 109/28/2019-GST dated 22.07.2019

## ! For the Practitioner

This ruling is useful for facility managers who serve residents' associations and try to separate water or utility supplies from maintenance contracts. It shows the authority will look at the substance of the arrangement, including where water is stored and how it is charged, and may treat split contracts as one supply. It does not decide how a genuinely standalone water supply to individual units would be classified or taxed. Its outcome rests on the specific facts found, so it should not be read as a general rule on RWA and utility bundling.

### 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 -> har_aar_08_2019-20_13.09.2019_amsllp.pdf

Prepared 08-11-2026.

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