M/s. CHILDREN OF THE WORLD INDIA TRUST

Authority for Advance Ruling — Maharashtra

NO.GST-ARA-15/2019-20/B-110, Mumbai, dated 04/10/2019 (handwritten;… Dated **04.10.2019**

Q Questions Before the Authority

- Whether the activities conducted by The Children of the World (India) Trust are the "Charitable Activities" exempted under Notification No.12/2017-Central Tax (Rate) dated 28.06.2017 as amended, and consequently whether the receipt of the Adoption Fees paid under Regulation 46 of the Adoption Regulations, 2017 by the Prospective Adoptive Parents to the Trust is exempted from the levy of Goods and Services Tax.

F Facts

The applicant is a charitable trust registered under Section 12AA of the Income Tax Act, 1961, and a Specialized Adoption Agency under the Juvenile Justice Act, 2015. It runs a shelter, the Vishwa Balak Kendra, at Nerul, Navi Mumbai, for abandoned, orphaned or homeless children until their adoption. Prospective adoptive parents pay an adoption fee of Rs. 40,000 (intra-country) or US$ 5,000 (inter-country) under the CARA framework, which the trust uses for the children's care and education.

H Ruling

Whether the trust's activities are 'Charitable Activities' under Notification No.12/2017-CT (Rate) dated 28.06.2017 as amended	**Yes. The activities are charitable activities and are exempt under the notification.**	The authority relied on Sr. No. 1 (advancement of educational programmes or skill development relating to abandoned, orphaned or homeless children). The order also treats adoption facilitation as part of these activities.
Whether receipt of Adoption Fees under Regulation 46 of the Adoption Regulations, 2017 from prospective adoptive parents is exempt from GST	**Yes. The adoption fees are exempt from the levy of GST.**	The exemption follows from the finding that the activities are charitable. The authority first held that the trust provides a facilitation service for consideration, so the activity falls within the CGST/SGST Act.

The authority held that the trust's activities, including facilitating adoption and advancing education and skill development for abandoned, orphaned or homeless children, are charitable activities covered by Sr. No. 1 of Notification No.12/2017-Central Tax (Rate). It further held that the adoption fees received by the trust are therefore exempt from GST. The authority first found that the trust provides a facilitation service for which it receives consideration, so the activity is within the GST scope before applying the exemption.

R Reasoning

The authority held that the trust provides a facilitation service and receives the adoption fee as consideration, which brings the activity within the scope of the CGST and SGST Acts, rejecting the applicant's argument that no supply exists. It then examined the trust's status under Section 12AA of the Income Tax Act and its regulation as a Specialized Adoption Agency under the JJ Act, 2015 and the Adoption Regulations, 2017. On that basis it found

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

the activities to be charitable activities within Sr. No. 1 of Notification No.12/2017-CT (Rate), so the exemption applies. The order relies on the CARA FAQs and the fixed fee structure to conclude that the adoption fee is a charge within the regulatory framework.

P Provisions Relied On

- Section 2(17) of the CGST Act, 2017 (definition of business)
- Section 2(31) of the CGST Act, 2017 (definition of consideration)
- Section 7 of the CGST Act, 2017 (scope of supply)
- Notification No.12/2017-Central Tax (Rate) dated 28.06.2017 as amended, Sr. No. 1 (charitable activities)
- Section 12AA of the Income Tax Act, 1961
- Juvenile Justice (Care and Protection of Children) Act, 2015, including Sections 2(57), 65 and 68
- Juvenile Justice (Care and Protection of Children) Model Rules, 2016
- Adoption Regulations, 2017, Regulation 46

! For the Practitioner

Adoption agencies registered as Specialized Adoption Agencies and running child-care activities for abandoned or orphaned children can cite this ruling for the position that such activities are exempt charitable activities and that the adoption fee is exempt. The ruling binds only the applicant, and an advance ruling is not precedent for other taxpayers. It does not decide whether other fees, non-charitable activities or input tax credit questions are exempt, and the department may still examine the facts at assessment.

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 -> mh_aar_15_2019-20_b-110_04.10.2019_ctwit.pdf

Prepared 12-11-2026.

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