

M/s. Cremeux Bakeries Private Limited

Authority for Advance Ruling — Goa

GOA/GAAR/02 of 2025-26/6810

Dated **30.03.2026**

Q Questions Before the Authority

- Whether the sale of bakery products such as cakes, pastries, sandwiches, savouries, biscuits, slice cakes, bread, rusk and other ready-made items, which are fully manufactured at the Corlim factory and sold through bakery outlets without any cooking, preparation or processing, constitutes a supply of goods under GST?
- Whether preparation and sale of semi-finished goods such as pizzas at the outlets, wherein pizza base and toppings are supplied from the factory and are blended/prepared at the outlet upon customer order, constitutes restaurant service?
- Whether the Applicant is permitted under GST Law and basis the principles laid out in circular 164-para 3 and para 4 to 1. charge GST as goods for items sold without preparation, and 2. Charge GST as services for items involving preparation/ cooking subject to maintain a separate billing series, accounting records etc.?

F Facts

The applicant operates a factory and multiple retail outlets where they sell pre-manufactured bakery items and also prepare certain food items like pizzas upon customer order. They sought clarification on the taxability of these two distinct types of supplies. The applicant specifically asked if they could treat these as separate supplies with different tax treatments at the same premises.

H Ruling

Sale of pre-manufactured bakery products	Yes, constitutes a supply of goods.	Must be sold without any cooking, preparation or processing.
Preparation and sale of semi-finished goods like pizzas	Yes, constitutes a restaurant service.	Applies to items cooked/prepared/made/blended at restaurant premises upon customer order.
Permissibility of dual tax treatment	Yes, permitted.	Taxpayer must maintain separate series of tax invoices and clear records for each type of supply.

The authority ruled that pre-manufactured items sold without further preparation are treated as a supply of goods. Items prepared or blended at the outlet upon customer order are classified as restaurant service. The applicant is permitted to adopt these dual tax treatments provided they maintain separate records and billing series.

R Reasoning

The authority relied on Circular No. 164/20/2021-GST, which clarifies that pre-manufactured food items sold without preparation are supplies of goods, while food prepared at the outlet constitutes restaurant service. The ruling confirms that there is no legal impediment to a registered person carrying on both businesses from the

same premises. However, the taxpayer is under a **legal obligation** to maintain separate records and invoices to ensure proper tax compliance and input tax credit reversal. The decision emphasizes that the **nature of the supply** determines the taxability.

P Provisions Relied On

Section 97(2) of the CGST/GGST Act, 2017	Section 98 of the CGST/GGST Act, 2017
Section 2(52) of the CGST Act, 2017	Section 2(102) of the CGST Act, 2017
Section 2(30) of the CGST Act, 2017	Schedule II, Entry 6 of the CGST Act
Circular No. 164/20/2021-GST dated 06.10.2021	Notification No. 11/2017-Central Tax (Rate)

! For the Practitioner

This ruling provides a clear framework for bakery and food retail businesses to bifurcate their operations into goods and services. It validates the **dual tax treatment** model, provided the taxpayer maintains rigorous accounting and separate billing. It does not, however, provide specific HSN codes or tax rates, leaving those to be determined by the classification of the individual goods.

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 -> 14-order_goa_aar_cremeuxbakeriespvtltd.pdf

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