M/s. PANBASE RESOURCES PRIVATE LIMITED (GSTIN 27AAGCP0837P1ZX)

Authority for Advance Ruling — Maharashtra

NO.GST-ARA-74/2019-20/B-22, Mumbai, dated 25/02/2020 (date handwritt… Dated **25.02.2020**

Q Questions Before the Authority

- Whether the commission received by the applicant in convertible foreign exchange for rendering services as an intermediary to overseas clients is an export of services under Section 2(6) of the IGST Act, outside Section 13(8)(b), and so zero-rated under Section 16(1)(a) of the IGST Act, where the trade is in goods between an overseas exporter and an Indian importer.
- If the answer to the first question is no, whether the impugned supply of intermediary service, forming an integral part of the cross-border sale or purchase of goods, is an intra-state supply under Section 8(1) of the IGST Act read with Section 2(65) of the MGST Act, attracting CGST/MGST, and at what rate.

F Facts

The applicant, a Navi Mumbai company registered under the GST law, deals in trading of metals and also acts as an intermediary for overseas clients, earning commission on the export of goods to Indian importers. It asked whether that commission is a zero-rated export of services or an intra-state supply attracting CGST/MGST. The applicant produced two copies of invoices to overseas clients charging CGST/SGST on 'Commission on Sales'. The jurisdictional officer argued that place of supply is not a question on which a ruling may be given under Section 97(2).

H Ruling

The application is rejected as non-maintainable under the GST Act and the Rules. The authority held that the questions turn on the place of supply of services, which is not among the matters listed in Section 97(2) of the CGST Act on which an advance ruling may be sought. For that reason it declined to answer either question on the merits.

R Reasoning

The authority noted that the questions required it to examine Section 13 and Section 2(6) of the IGST Act to decide the place of supply and the export character of the commission. It then examined Section 97(2) of the CGST Act, which confines advance rulings to the matters listed in clauses (a) to (g), and found that place of supply of services is not among them. It relied on earlier orders of the Maharashtra Appellate Authority for Advance Ruling (NES Global Specialist Engineering Services, Micro Instrument, Sabre Travel, Asahi Kasei and Segoma Imaging) that took the same view. It therefore held that it had no jurisdiction to answer the questions.

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

P Provisions Relied On

Section 97(2) of the CGST Act, 2017 (matters on which advance ruling may be sought)

Section 98 of the CGST Act and MGST Act (order procedure)

Section 13 of the IGST Act, 2017 (place of supply; discussed, not applied on the merits)

Section 2(6) of the IGST Act (export of services; discussed, not applied on the merits)

! For the Practitioner

This order is useful for a practitioner who wants to show that the Maharashtra AAR treats place of supply as outside Section 97(2), so a ruling on whether an intermediary's commission is an export or intra-state supply will likely be rejected. It does not decide whether the commission is zero-rated or taxable. The document contains no item-by-item RULING section; its operative part is only the rejection. Read the full order before relying on the reasoning, because the scan is partly illegible in places.

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 -> mah_aar_74_2019-20_b-22_25.02.2020_prpl.pdf

Prepared 18-11-2026.

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