M/s Uttar Pradesh Power Transmission Corporation Limited, Shakti Bhawan, 14-A, Ashok Marg, Lucknow, Uttar Pradesh (GSTIN 09AAACU8823E1Z9)

Authority for Advance Ruling — Uttar Pradesh

Order No. 50 dated 17-01-2020 (Authority for Advance Ruling, Uttar Prad… Dated **17.01.2020**

Q Questions Before the Authority

- Whether Uttar Pradesh Power Transmission Corporation Limited is covered under the definition of the term 'Government Entity' as per Notification No. 31/2017-Central Tax (Rate) dated 13 October 2017.

F Facts

The applicant is a company incorporated in 2006 under the Companies Act, 1956, to carry on electricity transmission in Uttar Pradesh. It was formed through a transfer scheme from Uttar Pradesh Power Corporation Ltd, and the State Government notified it as the State Transmission Utility under Section 30 of the Electricity Act, 2003. The shareholding is 83.72% held by the Government of Uttar Pradesh directly and 16.28% held by UPPCL, which is wholly owned by the State. The applicant's Board and Chairman are appointed by the State Government.

H Ruling

Whether UPPTCL is covered by the definition of 'Government Entity' under Notification 31/2017-CT(Rate) dated 13.10.2017	**Yes, covered**	Covered in terms of Notification 11/2017-CT(Rate) dated 28.06.2017 as amended by 31/2017-CT(Rate). The Authority found the entity was established by the Government of UP and the Government holds 90% or more participation by equity or control. Control was inferred from the State appointing the Board and Chairman; 16.28% indirect equity held through UPPCL was not decisive.

The Authority held that the applicant is covered under the definition of 'Government Entity' in Notification No. 11/2017-Central Tax (Rate), as amended by Notification No. 31/2017-Central Tax (Rate). It found the applicant was established by the Government of Uttar Pradesh and that the Government has **control** over it, even though only 83.72% of equity is held directly. Both members ruled unanimously.

R Reasoning

The Authority examined the definition in Notification 11/2017-CT(Rate), as amended, which requires an entity established by any Government with 90 per cent or more participation by equity or control to carry out a function entrusted by a Government. It read the transfer scheme under Section 39 and Section 131 of the Electricity Act, 2003 as showing the entity was established by the Government of Uttar Pradesh. On participation, it accepted that direct equity was 83.72% and the balance was held through a wholly State-owned company, and it treated the State's power to appoint the Board and Chairman as **control** sufficient to meet the 90 per cent threshold. It

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

also found the functions in the Memorandum of Association were those entrusted by the State. Section 97(2)(b) of the CGST Act was cited for admissibility.

P Provisions Relied On

- Section 97(2)(b) of the CGST Act, 2017 (admissibility of advance ruling application)
- Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017, definition of 'Government Entity' clause (x), as amended
- Notification No. 31/2017-Central Tax (Rate) dated 13.10.2017 (amendment to the definition)
- Section 2 (sub-section 53) of the UPGST Act, 2017, definition of 'Government'
- Section 39 of the Electricity Act, 2003 (State Transmission Utility)
- Section 131 of the Electricity Act, 2003 (vesting of property and transfer schemes)
- Notification No. 2974(1)/24-P-2-2010 dated 23.12.2010 (notification of State Transmission Utility)

! For the Practitioner

This order helps government-owned utilities and companies with mixed direct and indirect State shareholding to argue that they meet the 90 per cent equity-or-control test in the 'Government Entity' definition. It shows that State appointment of the board can be treated as control. The order decides only whether the applicant falls within the definition. It does not address which GST exemption or rate entry applies to the applicant's supplies, and the Authority's reasoning is not binding on other authorities.

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 -> up_aar_50_17.01.2020_upptcl.pdf

Prepared 17-11-2026.

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