# M/s. Varun Beverages Limited, Plot No.2, Udyog Vihar, Surajpur By Pass, Greater Noida, Uttar Pradesh 201306 (GSTIN 09AAACV2678L1ZS)

Authority for Advance Ruling — Uttar Pradesh

**Order number not printed in the scan. The order is signed on 24.9.2018 (…** Dated **24.09.2018**

## Q Questions Before the Authority

- How to transfer the portion of input tax credit belonging to the Sandila unit (covered by the Infrastructure & Industrial Investment Policy 2012 of the State of Uttar Pradesh, for claiming refund of UP GST component paid in cash in the prescribed percentage of the Policy), lying in the common electronic credit ledger of one common UP registration opted for 7 units including the Sandila unit while migrating to the GST regime with effect from July 2017?

## F Facts

The applicant, a PepsiCo franchisee, operates seven manufacturing plants in Uttar Pradesh under one common GST registration. The Sandila unit was set up in 2017 as a Mega Project under the UP Infrastructure & Industrial Investment Policy 2012, which entitles the company to refund of 80% of taxes paid in cash under G.O. dated 21.12.2016. The Sandila unit has since been given a separate GSTIN (09AAACV2678L3ZQ, effective 28.04.2018), but its input tax credit still lies in the common electronic credit ledger of the UP registration.

## H Ruling

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| **Transfer of Sandila unit's input tax credit from the common UP electronic credit ledger, for refund of UP GST paid in cash under the UP Infrastructure & Industrial Investment Policy 2012** | **Not answered. The question does not come under the ambit of Section 97(2) of the GST Act, so no ruling was given.** | The Authority did not reach the merits. It made no finding on the transfer mechanism, the refund entitlement, or the Policy percentage. |

The Authority held that the question does not come under the ambit of the matters specified in Section 97(2) of the CGST Act on which an advance ruling may be sought. It therefore found that the clarification sought falls outside the statutory scope and gave no ruling on the merits of the transfer of input tax credit or the refund mechanism.

## R Reasoning

The Authority compared the applicant's question against the seven categories in Section 97(2) of the CGST Act: classification, applicability of a notification, time and value of supply, admissibility of input tax credit, liability to pay tax, registration, and whether an activity constitutes a supply. It observed that the question about transferring credit in a common ledger for a state-policy refund fell within none of these categories. The application was

therefore disposed of as outside the statutory scope under Section 98, without a ruling on the substance.

## 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, 2017 (advance ruling proceedings)

## ! For the Practitioner

This order is useful mainly as a warning that the Uttar Pradesh Authority for Advance Ruling may decline questions about state incentive refunds or the handling of credit in a common ledger when they do not fit a Section 97(2) category. It gives no guidance on how credit should be moved to a newly registered unit or how the 80% UP GST refund should be computed or claimed. Any such question will need a different route, such as a reframed application within Section 97(2) or a direct approach to the tax department.

### 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_14_24.09.2018_vbl.pdf

Prepared 24-10-2026.

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