

Spentex Industries Ltd.

Authority for Advance Ruling — Madhya Pradesh

Order No. 06/2018

Dated **19.07.2018**

Q Questions Before the Authority

- Please specify the complete procedure for S.No.1 & Explanation 1 of the Notification 48/2017-Central Tax dtd.18.10.2017 for supplies by DTA to Advance Authorisation Holder?
- Please specify the applicability of Foreign Trade Policy 2015-2020 Mid Term Review and specify procedure for procuring goods from DTA against Advance Authorisation?

F Facts

The applicant is engaged in the manufacture of textile yarn and holds an Advance Authorisation issued by the DGFT. They sought rulings regarding the complete procedure for deemed export supplies from Domestic Tariff Area (DTA) to Advance Authorisation holders under Notification No. 48/2017-Central Tax. They also sought clarification on procedural mechanisms and the applicability of the Foreign Trade Policy 2015-2020 Mid Term Review.

H Ruling

The Authority **rejected the application at the admission stage** under Section 98(2) of the CGST/MPGST Act 2017. It held that procedural queries and interpretations of the Foreign Trade Policy fall **outside the permissible scope** under Section 97(2).

R Reasoning

The Authority examined the questions against the finite list of permissible matters under Section 97(2) of the CGST Act, 2017. For the first question, the applicant did not dispute the applicability of Notification No. 48/2017-Central Tax under Section 97(2)(b), but merely sought a clarification on procedure, which the Authority is neither mandated nor obliged to lay down. For the second question, seeking rulings on the applicability or procedures of the Foreign Trade Policy lies entirely beyond the GST statutory framework. Therefore, the application was held not worthy of admission under Section 98(2).

P Provisions Relied On

Section 97(2) of the CGST Act, 2017

Section 97(2)(b) of the CGST Act, 2017

Section 98(2) of the CGST Act, 2017

Notification No. 48/2017-Central Tax dated 18.10.2017



For the Practitioner

This order establishes that the AAR **will not issue procedural directives** where the notification itself is unchallenged. Additionally, questions regarding non-GST statutes such as the **Foreign Trade Policy are strictly outside AAR jurisdiction** under Section 97(2).

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 -> [final_order_spentex_industries_ltd.pdf](#)

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