CHAPTER 23

ADVANCE RULING



For the sake of brevity, the terms "Authority for Advanced Ruling", "Appellate Authority for Advance Ruling", have been referred to as AAR and AAAR respectively in this Chapter. The section numbers referred to in the chapter pertain to CGST Act, unless otherwise specified. Examples/Illustrations/Questions and Answers, as the case may be, given in the Chapter are based on the position of GST law existing as on 30.04.2026.

LEARNING OUTCOMES

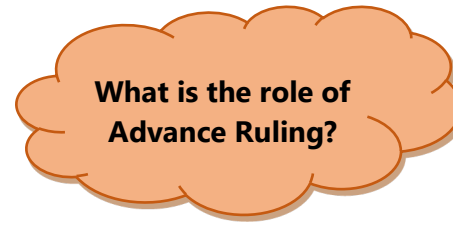
After studying this chapter, you would be able to:

- comprehend and explain the terms-advance ruling, applicant, application, authority and appellate authority for the purpose of advance ruling with reference to the statutory definitions of such terms.
- understand and describe the various aspects relating to procedure to be followed for filing an application for advance ruling and apply it in practical scenario.
- list the matters on which advance ruling can be sought.
- gain knowledge regarding the applicability of advance ruling.
- identify and appreciate the powers of Authority and Appellate Authority.

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1. INTRODUCTION





An advance ruling helps the applicant in planning his activities which are liable for payment of GST, well in advance. It also brings certainty in determining the tax liability, as the ruling given by the Authority for Advance Ruling is binding on the applicant as well as concerned Officer or the Jurisdictional Officer in respect of the applicant. Further, it helps in avoiding long drawn and expensive litigation at a later date. Seeking an advance ruling is inexpensive and the procedure is simple and expeditious.

It thus provides certainty and transparency to a taxpayer with respect to an issue which may potentially cause a dispute with the tax administration. A legally constituted body called Authority for Advance Ruling (AAR) can give a binding ruling to an applicant who is a registered under GST or is desirous to be registered. The advance ruling given by the Authority can be appealed before an Appellate authority for Advance Ruling (AAAR). There are time lines prescribed for passing an order by AAR and by AAAR.

The broad objectives for setting up a mechanism of Advance Ruling are:

- provide certainty in tax liability in advance in relation to an activity proposed to be undertaken by the applicant;
- attract Foreign Direct Investment (FDI) by ensuring certainty in taxation aspects of transactions
- reduce litigation
- pronounce ruling expeditiously in a transparent and inexpensive manner

Chapter XVII – Advance Ruling [Sections 95 to 106] of the CGST Act and Chapter XII – Advance Ruling [Rules 103 to 107A], stipulate the provisions relating to advance ruling. State GST laws also prescribe identical provisions in relation to advance ruling.

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Provisions of advance ruling under CGST Act have also been made applicable to IGST Act vide section 20 of the IGST Act.

2. RELEVANT DEFINITIONS

- **Advance ruling** means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions specified in sub-section (*2*) of section 97 or sub-section (1) of section 100, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant; [Section 95(a)].
- **Appellate Authority** means the Appellate Authority for Advance Ruling referred to in section 99. [Section 95(b)].
- **Applicant** means any person registered or desirous of obtaining registration under this Act; [Section 95(c)].
- **Application** means an application made to the Authority under sub-section (*1*) of section 97; [Section 95(d)].
- **Authority** means the Authority for Advance Ruling referred to in section 96; [Section 95(e)].

3. QUESTIONS FOR WHICH ADVANCE RULING CAN BE SOUGHT [SECTION 97]

The definition of advance ruling given under the Act is a broad one. Under GST, advance ruling can be obtained on a proposed transaction as well as a transaction already undertaken by the applicant.

Advance Ruling can be sought for the following questions:-

(a) classification of any goods or services or both

(b) applicability of a notification issued under the provisions of CGST Act

(c) determination of time and value of supply of goods or services or both

(d) admissibility of input tax credit of tax paid or deemed to have been paid

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(e) determination of the liability to pay tax on any goods or services or both

(f) whether applicant is required to be registered

(g) whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.



Note: Matters which cannot be questioned before AAR are:-

- Question already **pending** in any proceedings in the case of an applicant under any of the provisions of the Act.
- Question already **decided** in any proceedings in the case of an applicant under any of the provisions of the Act.



4. AUTHORITY FOR ADVANCE RULING (AAR) AND APPELLATE AUTHORITY FOR ADVANCE RULING (AAAR) [SECTION 96 AND 99]

- The Authority for advance ruling constituted under the provisions of a State Goods and Services Tax Act or Union Territory Goods and Services Tax Act shall be deemed to be the Authority for advance ruling in respect of that State or Union territory.
- The Government shall appoint officers not below the rank of Joint Commissioner as member of the Authority for Advance Ruling. [Rule 103]

The Appellate Authority for Advance Ruling constituted under the provisions of a State Goods and Services Tax Act or a Union Territory Goods and Services Tax Act shall be deemed to be the Appellate Authority in respect of that State or Union territory.

It is important to note that **questions on determination of place of supply cannot be raised with the AAR or AAAR**.

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5. PROCEDURE FOR OBTAINING ADVANCE RULING [SECTION 98]

- The applicant desirous of obtaining advance ruling should make an application to the AAR in a prescribed form and manner (on the common Portal) and shall be accompanied by a fee of five thousand rupees (₹ 5,000 each towards CGST and SGST)
- The application, verification contained therein and all relevant documents accompanying such application needs to be signed in the prescribed manner.
- Upon receipt of an application, the AAR shall send a copy of application to the concerned officer and, if necessary, call for all relevant records from the concerned officer. The relevant records called for by AAR shall be returned to the concerned Officer, as soon as possible
- The AAR may then examine the application along with the records called for and after hearing the applicant or his authorized representative and the concerned officer or his authorised representative, will pass an order either admitting or rejecting the application.
- Application for advance ruling will not be admitted in the cases where the question raised in the application is already pending or decided in any proceedings in the case of an applicant under any of the provisions of CGST Act.
- If the application is rejected, it should be by way of a speaking order giving the reasons for rejection and the application shall not be rejected unless an opportunity of hearing has been given to the applicant.
- The copy of Order admitting or rejecting the application shall be sent to the applicant and to the concerned officer.
- On admission of the application, the AAR shall pronounce its ruling within 90 days of receipt of the application. Before giving its ruling, it shall examine the application and any further material placed before it by the applicant or obtained by the Authority.

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- Before pronouncing the Ruling, the AAR provides an opportunity of being heard to the applicant or his authorized representative as well as the concerned officer or his authorized representative.
- If there is a difference of opinion between the two members of AAR, they shall refer the point or points on which they differ to the AAAR for hearing the issue. If the members of AAAR are also unable to come to a common conclusion in regard to the point(s) referred to them by AAR, then it shall be deemed that no advance ruling can be given in respect of the question on which difference persists at the level of AAAR.
- A copy of the advance ruling duly signed by members and certified in prescribed manner shall be sent to the applicant, the concerned officer and the jurisdictional officer.

6. APPEALS AGAINST ORDER OF AAR TO THE APPELLATE AUTHORITY [SECTION 100 AND 101]

- If the applicant is aggrieved with the finding of the AAR, he can file an appeal with AAAR. Similarly, if the concerned or jurisdictional officer of CGST/SGST does not agree with the finding of AAR, he can also file an appeal with the AAAR.
- Any appeal must be filed within 30 days from the receipt of the Order of the Advance Ruling Authority. The Appellate Authority may allow for an additional 30 days for filing an appeal, if it is satisfied that there was a sufficient cause for delay in presenting the appeal.
- The appeal has to be in the prescribed form and has to be verified in the prescribed manner. An appeal has to be filed by the applicant along with fee of ₹ 10,000/- each under CGST and SGST Act. However, if the concerned officer or jurisdictional officer is aggrieved by the decision of AAR, then no fee is required to be paid.
- The appeal, the verification contained therein and all the relevant documents accompanying such appeal shall be signed-

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(a) in the case of the concerned officer or jurisdictional officer, by an officer authorised in writing by such officer; and

(b) in the case of an applicant, in the specified manner.

- The Appellate Authority shall pass an order after hearing the parties to the appeal within a period of 90 days of the filing of an appeal.
- If members of AAAR differ on any point referred to in appeal, it shall be deemed that no advance ruling can be issued in respect of the question under appeal.
- The said authority can pass such order as it thinks fit, confirming or modifying the ruling appealed against or referred to by the Advance Ruling Authority in the case of the difference of opinion.
- A copy of the advance ruling pronounced by the Appellate Authority should be signed by the members, certified in the prescribed manner, and communicated to the applicant, the concerned officer, the jurisdictional officers and to the Authority.

7. RECTIFICATION OF MISTAKES [SECTION 102]

- The law gives power to AAR and AAAR to amend their order to rectify any error apparent on the face of the record within a period of 6 months from the date of the order.
- Such mistake may be noticed by the authority on its own accord or may be brought to its notice by the applicant or the concerned or the jurisdictional officer.
- If a rectification has the effect of enhancing the tax liability or reducing the quantum of input tax credit, the applicant must be heard before the order is passed.

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8. APPLICABILITY OF ADVANCE RULING [SECTION 103]

- An advance ruling pronounced by AAR or AAAR shall be binding only on the applicant and on the concerned officer or the jurisdictional officer in respect of the applicant. This clearly means that an advance ruling is not applicable to similarly placed other taxable persons in the State. It is only limited to the person who has applied for an advance ruling.
- The law does not provide for a fixed time period for which the ruling shall apply. Instead, it has been provided that advance ruling shall be binding till the period when the law, facts or circumstances supporting the original advance ruling have not changed.

9. ADVANCE RULING TO BE VOID IN CERTAIN CIRCUMSTANCES [SECTION 104]

- Section 104 states the circumstances under which the ruling would be considered as void and hence would lose its binding value.
- If the Authorities (AAR and Appellate Authority) find that the advance ruling pronounced by it has been obtained by the applicant/appellant by fraud or suppression of material facts or misrepresentation of facts, it may, by order, declare such ruling to be void ab-initio.
- Consequently, all the provisions of the CGST Act shall apply to the applicant as if such advance ruling had never been made. The period beginning with the date of such advance ruling and ending with the date of void order shall be excluded while computing the period specified in *sub-sections (2) and (7) of section 74A*[1].
- An order declaring advance ruling to be void can be passed only after hearing the applicant / appellant.
- A copy of the order so made shall be sent to the applicant, the concerned officers and the jurisdictional officer.

[1] *and sub-sections (2) and (10) of section 73 or sub-sections (2) and (10) of section 74*

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10. POWERS AND PROCEDURE OF AAR AND AAAR [SECTION 105 AND 106]

- Both the AAR and AAAR are vested with the powers of a civil court under Code of Civil Procedure, 1908, for discovery and inspection, enforcing the attendance of a person and examining him on oath, issuing commissions and compelling production of books of account and other records.
- Both the authorities are deemed to be a civil court for the purposes of section 195 of the Code of Criminal Procedure, 1973. Both the authorities are however not treated as civil court for the purpose of Chapter XXVI of the Code of Criminal Procedure, 1973.
- Any proceeding before the authority shall be deemed to be judicial proceeding under section 193 and 228 and for the purpose of section 196, of the Indian Penal Code, 1860. The AAR and AAAR also have the power to regulate their own procedure.

11. NATIONAL APPELLATE AUTHORITY FOR AAR – INTERIM MECHANISM [SECTION 101A(1A)]

Sections 101A to 101D[2] were inserted into the CGST Act, 2017 by the Finance (No. 2) Act, 2019, to create a National Appellate Authority for Advance Ruling (NAAAR). The objective was to resolve conflicting advance rulings given by the Appellate Authorities for Advance Ruling (AAAR) of two or more States/UTs on the same or similar issues. However, the National Appellate Authority was never actually established. As a result, the appellate remedy against conflicting rulings remained unavailable. Therefore, for the time being, Principal Bench of the GST Appellate Tribunal (GSTAT) itself has been designated to perform this role.

[2] *Yet to be notified*

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Accordingly, Finance Act, 2026 inserted new sub-section (1A) in section 101A, effective from 1st April 2026, empowering the Government to notify any existing Authority (including a Tribunal) constituted under any other law to hear appeals under section 101B in the interim.

Section 101A(1A) provides as follows:

Notwithstanding anything contained is sub-section (1) of section 101A [same is given at the end of this chapter], till the National Appellate Authority is constituted under that sub-section, the Government, may on the recommendations of the Council, by notification, empower any existing Authority constituted under any law for the time being in force to hear appeals made under section 101B and in such case,

(a) the provisions of sub-sections (2) to (13) [same is given at the end of this chapter] shall not apply; and

(b) any reference to the National Appellate Authority under this Chapter shall be construed as reference to such Authority.

Explanation: For the purposed of this sub-section, the expression "existing Authority" shall include a Tribunal.

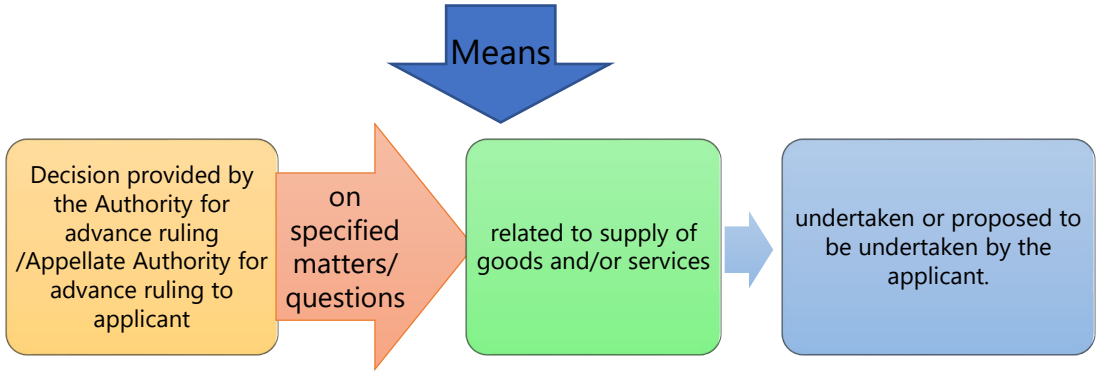
Note: Although the erstwhile Indian Penal Code, 1860 (IPC) and the Code of Criminal Procedure, 1973 (CrPC) both statutes were repealed and replaced by the Bharatiya Nyaya Sanhita, 2023 (BNS) and the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) respectively with effect from 1st July 2024, **certain provisions, rules and forms under the GST law continue to contain references to the erstwhile IPC and CrPC.**

Accordingly, in this Study Material, references to the provisions of the Indian Penal Code, 1860 (IPC) and the Code of Criminal Procedure, 1973 (CrPC) have been retained wherever they appear in the context of GST law.

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LET US RECAPITULATE

ADVANCE RULING



Questions for which advance ruling can be sought [Section 97]



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PROCEDURE FOR OBTAINING ADVANCE RULING (AR) [SECTION 98]



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RECTIFICATION OF MISTAKES [SECTION 102]

- AAR & AAAR can amend their order within 6 months from date of order.
- Such mistake may be noticed by authority on its own or brought to notice by applicant or the concerned officer /jurisdictional officer.
- If tax liability increases or ITC reduces due to such rectification, applicant must be heard.

APPLICABILITY OF ADVANCE RULING [SECTION 103]

- Binding only on applicant and concerned officer/jurisdictional officer. Not applicable to similarly placed other taxable persons in the State.
- Binding till the period when law, facts/circumstances supporting the original advance ruling have not changed.

If obtained by fraud /suppression of material facts/ misrepresentation of facts → It will be deemed that such advance ruling had never been made. → Order to be passed only after hearing the applicant/ appellant. → Copy of order to be sent to applicant, concerned officers and the jurisdictional officer.

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TEST YOUR KNOWLEDGE

1. *Which are the questions for which advance ruling can be sought?*
2. *What is the objective of having a mechanism of Advance Ruling?*
3. *To whom will the Advance Ruling be applicable?*
4. *What is the time period for applicability of Advance Ruling?*
5. *Can an advance ruling given be nullified?*
6. *Ranjan intends to start selling certain goods in Delhi. However, he is not able to determine the classification of the goods proposed to be supplied by him [as the classification of said goods has been contentious].*

   Ranjan's tax advisor has advised him to apply for the advance ruling in respect of these issues. He told Ranjan that the advance ruling would bring him certainty and transparency in respect of the said issues and would avoid litigation later. Ranjan agreed with his view, but has some apprehensions.

   In view of the information given above, you are required to advise Ranjan with respect to following:

   (i) The tax advisor asks Ranjan to get registered under GST law before applying for the advance ruling as only a registered person can apply for the same. Whether Ranjan needs to get registered?

   (ii) Ranjan is apprehensive that if at all advance ruling is permitted to be sought, he has to seek it every year. Whether Ranjan's apprehension is correct?

   (iii) The tax advisor is of the view that the order of Authority for Advance Ruling (AAR) is final and is not appealable. Whether the tax advisor's view is correct?

   (iv) Sambhav - Ranjan's friend - is a supplier registered in Delhi. He is engaged in supply of the goods, which Ranjan proposes to supply at the same commercial level that Ranjan proposes to adopt.

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He intends to apply the classification of the goods as decided in the advance ruling order to be obtained by Ranjan, to the goods supplied by him in Delhi. Whether Sambhav can do so?

7. *Briefly explain the procedure to be followed by the Authority for Advance Ruling on receipt of the application for Advance Ruling under section 98.*

8. *Briefly explain whether an appeal could be filed before the Appellate Authority against order of Authority for Advance Ruling (AAR), with reference to sections 100 and 101.*



ANSWERS

1. Advance Ruling can be sought for the following questions:

(a) classification of any goods or services or both;

(b) applicability of a notification issued under provisions of the GST Act(s);

(c) determination of time and value of supply of goods or services or both;

(d) admissibility of input tax credit of tax paid or deemed to have been paid;

(e) determination of the liability to pay tax on any goods or services under the Act;

(f) whether applicant is required to be registered under the Act;

(g) whether any particular thing done by the applicant with respect to any goods or services amounts to or results in a supply of goods or services, within the meaning of that term.

2. The broad objective for setting up such an authority is to:

(i) provide certainty in tax liability in advance in relation to an activity being undertaken or proposed to be undertaken by the applicant;

(ii) helps taxpayer in financial planning and making new investments

(iii) attract Foreign Direct Investment (FDI);

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(iv) reduce litigation;

(v) pronounce ruling expeditiously in transparent and inexpensive manner

3. The advance rulings are given in personem and not in rem, that is, not to the whole world and therefore, rulings cannot apply to other similar cases. Section 103 provides that an advance ruling pronounced by AAR or AAAR shall be binding only on the applicant who sought it in respect of any matter referred to in section 97(2) and on the jurisdictional tax authority of the applicant. This clearly means that an advance ruling is not applicable to similarly placed taxable persons in the State. It is only limited to the person who has applied for an advance ruling.

4. The law does not provide for a fixed time period for which the ruling shall apply. Instead, in section 103(2), it is provided that advance ruling shall be binding till the period when the law, facts or circumstances supporting the original advance ruling have changed. Thus, a ruling shall continue to be in force so long as the transaction continues and so long as there is no change in law, facts or circumstances.

5. Section 104(1) provides that an advance ruling may, by order, be declared void *ab initio*, after hearing the applicant/appellant if the AAR or AAAR finds that the advance ruling was obtained by the applicant by fraud or suppression of material facts or misrepresentation of facts. In such a situation, all the provisions of the GST Act(s) shall apply to the applicant as if such advance ruling had never been made (but excluding the period when advance ruling was given and up to the period when the order declaring it to be void is issued). An order declaring advance ruling to be void can be passed only after hearing the applicant.

6. (i) Advance ruling under GST can be sought by a registered person or a person desirous of obtaining registration under GST law [Section 95(c)]. Therefore, it is not mandatory for a person seeking advance ruling to be registered.

(ii) Section 103(2) stipulates that the advance ruling shall be binding unless the law, facts or circumstances supporting the original advance ruling have changed. Therefore, once Ranjan has sought the advance ruling with respect to an eligible matter/question, it will be binding till the time the law, facts and circumstances supporting the original advance ruling remain same.

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(iii) No, the tax advisor's view is not correct. As per section 100, if the applicant is aggrieved with the finding of the AAR, he can file an appeal with Appellate Authority for Advance Ruling (AAAR). Similarly, if the concerned/ jurisdictional officer of CGST/SGST does not agree with the findings of AAR, he can also file an appeal with AAAR.

Such appeal must be filed within 30 days from the date on which the ruling sought to be appealed against is communicated. The Appellate Authority may allow a further period not exceeding 30 days for filing the appeal, if it is satisfied that there was sufficient cause for delay in presenting the appeal.

(iv) Section 103 provides that an advance ruling pronounced by AAR is binding only on the applicant who had sought it and on the concerned officer or the jurisdictional officer in respect of the applicant. This implies that an advance ruling is not applicable to similarly placed other taxable persons in the State. It is only limited to the person who has applied for an advance ruling.

Thus, Sambhav will not be able to apply the classification of the goods that will be decided in the advance ruling order to be obtained by Ranjan, to the goods supplied by him in Delhi.

7. The procedure to be followed by the Authority for Advance Ruling (AAR) on receipt of the application for advance ruling under section 98 is as under:-

1. Upon receipt of an application, the AAR shall send a copy of application to the officer in whose jurisdiction the applicant falls and call for all relevant records, if neccessary.

2. The AAR may then examine the application along with the records and may also hear the applicant and the concerned officer. Thereafter he will pass an order either admitting or rejecting the application.

3. Application for advance ruling will not be admitted in cases where the question raised in the application is already pending or decided in any proceedings in the case of an applicant under any of the provisions of this Act.

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4. If the application is rejected, it should be by way of a speaking order giving the reasons for rejection and only after giving an opportunity of being heard to the applicant.

5. If the application is admitted, the AAR shall pronounce its ruling on the question specified in the application. Before giving its ruling, it shall examine the application and any further material furnished by the applicant or obtained by the Authority.

6. Before giving the ruling, AAR must hear the applicant or his authorized representative as well as the jurisdictional officers of CGST/ SGST.

7. If there is a difference of opinion between the two members of AAR, they shall refer the point or points on which they differ to the Appellate Authority for hearing the issue

8. The Authority shall pronounce its advance ruling in writing within 90 days from the date of receipt of application.

9. A copy of the advance ruling duly signed by members and certified in prescribed manner shall be sent to the applicant, the concerned officer and the jurisdictional officer.

8. Yes, the concerned officer, jurisdictional officer or applicant aggrieved by any advance ruling may appeal to the Appellate Authority for Advance Ruling (AAAR) within 30 days from the date on which such ruling is communicated to him in the prescribed form and manner. The Appellate Authority may allow a further period not exceeding 30 days for filing the appeal, if it is satisfied that there was sufficient cause for delay in presenting the appeal.

The AAAR must pass an order confirming or modifying the ruling appealed against within a period of 90 days of the filing of an appeal, after hearing the parties to the appeal.

If members of AAAR differ on any point referred to in appeal, it shall be deemed that no advance ruling can be issued in respect of the question under appeal. A copy of the advance ruling pronounced by the AAAR is sent to applicant, concerned officer, jurisdictional officer and to the Authority.

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AMENDMENTS MADE VIDE THE FINANCE (NO. 2) ACT, 2019

The Finance (No. 2) Act, 2019 had come into force from 01.08.2019. However, the amendments made in the advance ruling provisions of the CGST Act vide the Finance (No. 2) Act, 2019 would become effective only from a date to be notified by the Central Government in the Official Gazette. Such a notification has not been issued till 30.04.2026. Therefore, applicability or otherwise of such amendment for May 2027, and/or November 2027 examinations shall be informed by the ICAI by way of an announcement.

In the table given below, the relevant existing provisions of the advance ruling are compared with the provisions as amended by the Finance (No. 2) Act, 2019.

Once the announcement for applicability of such amendments for examination(s) is made by the ICAI, students should read the amended provisions given hereunder in place of the related provisions discussed in the Chapter.

Existing provisions	Provisions as amended by the Finance (No. 2) Act, 2019	Remarks
Section 95(a) **"advance ruling" means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant;**	**Section 95(a)** **"advance ruling" means a decision provided by the Authority or the Appellate Authority or the National Appellate Authority to an applicant on matters or on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100 or of section 101C, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant;**	**New clause (f) is being inserted in section 95 of the CGST Act to define the "National Appellate Authority for Advance Ruling". Definition of advance ruling is being amended to provide that the decision given by the National Appellate Authority will also be an advance ruling.**

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New clause (f) in section 95	
National Appellate Authority" means the National Appellate Authority for Advance Ruling referred to in section 101A.	
New section 101A: Constitution of National Appellate Authority for Advance Ruling	**New sections 101A, 101B and 101C are being inserted in the CGST Act so as to provide for constitution, qualification, appointment, tenure, conditions of services of the National Appellate Authority for Advance Ruling; to provide for procedures to be followed for hearing appeals against conflicting advance rulings pronounced on the same question by the Appellate Authorities of two or more States or Union territories in case of distinct persons; and to provide that the National Appellate Authority shall pass order within a period of ninety**
(1) The Government shall, on the recommendations of the Council, by notification, constitute, with effect from such date as may be specified therein, an Authority known as the National Appellate Authority for Advance Ruling for hearing appeals made under section 101B. **(2) The National Appellate Authority shall consist of-** **(i) the President, who has been a Judge of the Supreme Court or is or has been the Chief Justice of a High Court, or is or has been a Judge of a High Court for a period not less than five years;** **(ii) a Technical Member (Centre) who is or has been a member of Indian Revenue (Customs and Central Excise) Service, Group A, and has completed at least fifteen years of service in Group A;** **(iii) a Technical Member (State) who is or has been an officer of the State Government not below the rank of Additional Commissioner of Value Added Tax or the Additional Commissioner of State tax with at least three years of experience in the administration of an existing law or the State Goods and Services Tax Act or in the field of finance and taxation.** **(3) The President of the National Appellate Authority shall be appointed by the Government after consultation with the Chief Justice of India or his nominee :** **Provided that in the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or otherwise, the senior most Member of the National Appellate Authority shall act**	

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as the President until the date on which a new President, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office : Provided further that where the President is unable to discharge his functions owing to absence, illness or any other cause, the senior most Member of the National Appellate Authority shall discharge the functions of the President until the date on which the President resumes his duties. (4) The Technical Member (Centre) and Technical Member (State) of the National Appellate Authority shall be appointed by the Government on the recommendations of a Selection Committee consisting of such persons and in such manner as may be prescribed. (5) No appointment of the Members of the National Appellate Authority shall be invalid merely by the reason of any vacancy or defect in the constitution of the Selection Committee. (6) Before appointing any person as the President or Members of the National Appellate Authority, the Government shall satisfy itself that such person does not have any financial or other interests which are likely to prejudicially affect his functions as such President or Member. (7) The salary, allowances and other terms and conditions of service of the President and the Members of the National Appellate Authority shall be such as may be prescribed : Provided that neither salary and allowances nor other terms and conditions of service of the President or Members of the National Appellate Authority shall be varied to their disadvantage after their appointment. (8) The President of the National Appellate Authority shall hold office for a term of three years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier and shall also be eligible for reappointment.	days from the date of filing of the appeal respectively.

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(9) The Technical Member (Centre) or Technical Member (State) of the National Appellate Authority shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier and shall also be eligible for reappointment. **(10) The President or any Member may, by notice in writing under his hand addressed to the Government, resign from his office :** **Provided that the President or Member shall continue to hold office until the expiry of three months from the date of receipt of such notice by the Government, or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.** **(11) The Government may, after consultation with the Chief Justice of India, remove from the office such President or Member, who -** **(a) has been adjudged an insolvent; or** **(b) has been convicted of an offence which, in the opinion of such Government involves moral turpitude; or** **(c) has become physically or mentally incapable of acting as such President or Member; or** **(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such President or Member; or** **(e) has so abused his position as to render his continuance in office prejudicial to the public interest:** **Provided that the President or the Member shall not be removed on any of the grounds specified in clauses (d) and (e), unless he has been informed of the charges against him and has been given an opportunity of being heard.** **(12) Without prejudice to the provisions of sub-section (11), the President and Technical Members of the National Appellate Authority shall not be removed**	

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from their office except by an order made by the Government on the ground of proven misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court nominated by the Chief Justice of India on a reference made to him by the Government and such President or Member had been given an opportunity of being heard. **(13) The Government, with the concurrence of the Chief Justice of India, may suspend from office, the President or Technical Members of the National Appellate Authority in respect of whom a reference has been made to the Judge of the Supreme Court under sub-section (12).** **(14) Subject to the provisions of article 220 of the Constitution, the President or Members of the National Appellate Authority, on ceasing to hold their office, shall not be eligible to appear, act or plead before the National Appellate Authority where he was the President or, as the case may be, a Member.**	
<u>New section 101B: Appeal to National Appellate Authority</u>	
(1) Where, in respect of the questions referred to in sub-section (2) of section 97, conflicting Advance Rulings are given by the Appellate Authorities of two or more States or Union territories or both under sub-section (1) or sub-section (3) of section 101, any officer authorised by the Commissioner or an applicant, being distinct person referred to in section 25 aggrieved by such advance ruling, may prefer an appeal to National Appellate Authority : **Provided that the officer shall be from the States in which such advance rulings have been given.** **(2) Every appeal under this section shall be filed within a period of thirty days from the date on which the ruling sought to be appealed against is communicated to the applicants, concerned officers and jurisdictional officers :**	

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Provided that the officer authorised by the Commissioner may file appeal within a period of ninety days from the date on which the ruling sought to be appealed against is communicated to the concerned officer or the jurisdictional officer : **Provided further that the National Appellate Authority may, if it is satisfied that the appellant was prevented by a sufficient cause from presenting the appeal within the said period of thirty days, or as the case may be, ninety days, allow such appeal to be presented within a further period not exceeding thirty days.** ***Explanation*. - For removal of doubts, it is clarified that the period of thirty days or as the case may be, ninety days shall be counted from the date of communication of the last of the conflicting rulings sought to be appealed against.** **(3) Every appeal under this section shall be in such form, accompanied by such fee and verified in such manner as may be prescribed.**	
<u>New section 101C: Order of National Appellate Authority</u>	
(1) The National Appellate Authority may, after giving an opportunity of being heard to the applicant, the officer authorised by the Commissioner, all Principal Chief Commissioners, Chief Commissioners of Central tax and Chief Commissioner and Commissioner of State tax of all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories, pass such order as it thinks fit, confirming or modifying the rulings appealed against. **(2) If the members of the National Appellate Authority differ in opinion on any point, it shall be decided according to the opinion of the majority.** **(3) The order referred to in sub-section (1) shall be passed as far as possible within a period of ninety days from the date of filing of the appeal under section 101B.**	

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(4) A copy of the Advance Ruling pronounced by the National Appellate Authority shall be duly signed by the Members and certified in such manner as may be prescribed and shall be sent to the applicant, the officer authorised by the Commissioner, the Board, the Chief Commissioner and Commissioner of State tax of all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories and to the Authority or Appellate Authority, as the case may be, after such pronouncement.		
<u>Section 102</u> The Authority or the Appellate Authority may amend any order passed by it under section 98 or section 101, so as to rectify any error apparent on the face of the record, if such error is noticed by the Authority or the Appellate Authority on its own accord, or is brought to its notice by the concerned officer, the jurisdictional officer, the applicant or the appellant within a period of six months from the date of the order:	**<u>Section 102</u> The Authority or the Appellate Authority or the National Appellate Authority may amend any order passed by it under section 98 or section 101 or section 101C, respectively, so as to rectify any error apparent on the face of the record, if such error is noticed by the Authority or the Appellate Authority or the National Appellate Authority on its own accord, or is brought to its notice by the concerned officer, the jurisdictional officer, the applicant, appellant, the Authority or the Appellate Authority within a period of six months from the date of the order:**	**Section 102 of the CGST Act is being amended so as to allow the National Appellate Authority to amend any order passed by it so as to rectify any error apparent on the face of the record, within a period of six months from the date of the order, except under certain specified circumstances.**

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<table>
<tr><td colspan="2"><u>New sub-section (1A) of section 103</u></td><td></td></tr>
<tr><td colspan="2">(1A) The Advance Ruling pronounced by the National Appellate Authority under this Chapter shall be binding on -
(a) the applicants, being distinct persons, who had sought the ruling under sub-section (1) of section 101B and all registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961 (43 of 1961);
(b) the concerned officers and the jurisdictional officers in respect of the applicants referred to in clause (a) and the registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961.</td><td rowspan="2">Section 103 of the CGST Act is being amended so as to provide that the advance ruling pronounced by the National Appellate Authority shall be binding, unless there is a change in law or facts, on the applicants, being distinct person and all registered persons having the same Permanent Account Number and on the concerned officers or the jurisdictional officers in respect of the said applicants and the registered persons having the same Permanent Account Number.</td></tr>
<tr><td><u>Section 103(2)</u>
The advance ruling referred to in sub-section (1) shall be binding unless the law, facts or circumstances supporting the original advance ruling have changed.</td><td><u>Section 103(2)</u>
The advance ruling referred to in sub-section (1) and sub-section (1A) shall be binding unless the law, facts or circumstances supporting the original advance ruling have changed.</td></tr>
<tr><td><u>Section 104(1)</u>
Where the Authority or the Appellate Authority finds that advance ruling pronounced by it under sub-section (4) of section 98 or under sub-section (1) of section 101 has been obtained by the applicant</td><td><u>Section 104(1)</u>
Where the Authority or the Appellate Authority or the National Appellate Authority finds that advance ruling pronounced by it under sub-section (4) of section 98 or under sub-section</td><td>Section 104 of the CGST Act is being amended so as to provide that advance ruling pronounced by the National Appellate Authority shall be void where the</td></tr>
</table>

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or the appellant by fraud or suppression of material facts or misrepresentation of facts, it may, by order, declare such ruling to be void ab-initio and thereupon all the provisions of this Act or the rules made thereunder shall apply to the applicant or the appellant as if such advance ruling had never been made:	(1) of section 101 or under section 101C has been obtained by the applicant or the appellant by fraud or suppression of material facts or misrepresentation of facts, it may, by order, declare such ruling to be void ab-initio and thereupon all the provisions of this Act or the rules made thereunder shall apply to the applicant or the appellant as if such advance ruling had never been made:	ruling has been obtained by fraud or suppression of material facts or misrepresentation of facts.
<u>Section 105: Powers of Authority and Appellate Authority</u> (1) The Authority or the Appellate Authority shall, for the purpose of exercising its powers regarding— (a) discovery and inspection; (b) enforcing the attendance of any person and examining him on oath; (c) issuing commissions and compelling production of books of account and other records, have all the powers of a civil court under the Code of Civil Procedure, 1908.	<u>Section 105: Powers of Authority, Appellate Authority and National Appellate Authority</u> (1) The Authority or the Appellate Authority or the National Appellate Authority shall, for the purpose of exercising its powers regarding— (a) discovery and inspection; (b) enforcing the attendance of any person and examining him on oath; (c) issuing commissions and compelling production of books of account and other records,	Section 105 of the CGST Act is being amended so as to provide that the National Appellate Authority shall have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purpose of exercising its powers under the Act.

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(2) The Authority or the Appellate Authority shall be deemed to be a civil court for the purposes of section 195, but not for the purposes of Chapter XXVI of the Code of Criminal Procedure, 1973, and every proceeding before the Authority or the Appellate Authority shall be deemed to be a judicial proceedings within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code.	have all the powers of a civil court under the Code of Civil Procedure, 1908. (2) The Authority or the Appellate Authority or the National Appellate Authority shall be deemed to be a civil court for the purposes of section 195, but not for the purposes of Chapter XXVI of the Code of Criminal Procedure, 1973, and every proceeding before the Authority or the Appellate Authority shall be deemed to be a judicial proceedings within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code.	
<u>Section 106: Procedure of Authority and Appellate Authority.</u> The Authority or the Appellate Authority shall, subject to the provisions of this Chapter, have power to regulate its own procedure.	<u>Section 106: Procedure of Authority, Appellate Authority and National Appellate Authority.</u> The Authority or the Appellate Authority or the National Appellate Authority shall, subject to the provisions of this Chapter, have power to regulate its own procedure.	Section 106 of the CGST Act is being amended so as to provide that the National Appellate Authority shall have power to regulate its own procedure.

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