


<b>GUJARAT AUTHORITY FOR ADVANCE RULING</b> <b>GOODS AND SERVICES TAX</b> <b>D/5, RAJYA KAR BHAVAN, ASHRAM ROAD,</b> <b>AHMEDABAD – 380 009.</b>	
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ADVANCE RULING NO. GUJ/GAAR/R/2023/25  
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2023/AR/05)

**Date: - 30 .06.2023**

Name and address of the applicant	:	Kantaben Rameshbhai Chaudhari, Krishna Entperises (Trade name) Shop No. 5/A, Rajshree Complex, 1 <sup>st</sup> floor, Manav Ashram Chokdi, Mehsana, Gujarat-384 001
GSTIN of the applicant	:	24BRXPC8776L1ZU
Date of application	:	25.01.2023
Clause(s) of Section 97(2) of CGST / GGST Act, 2017, under which the question(s) raised.	:	(a)(e)
Date of Personal Hearing	:	08.05.2023
Present for the applicant	:	Shri Rameshbhai Chaudhari, Shri S D Modi, Advocate Shri Kaushik Chhable, Tax Consultant

**Brief facts:**

Kantaben Rameshbhai Chaudhari, Krishna Entperises (Trade name), Shop No. 5/A, Rajshree Complex, 1<sup>st</sup> floor, Manav Ashram Chokdi, Mehana, Gujarat-384 001 [for short-‘applicant’] is registered under GST and their GSTIN is 24BRXPC8776L1ZU.

2. The applicant is engaged in the manufacture of veterinary instruments known as AI Crate (Artificial Insemination crate)/travis. This equipment/instrument is used for medical treatment of animal. It is installed at Veterinary Dispensary Centre.

3. In the application, the size of the product so manufactured is provided which is as under:

Approx size: Length 167.5 cm; Width 75 cm  
Front height: 150 cm; Back height: 120 cm  
Length of cross support: 120 cm  
Foundation plate: 7.58 \* 7.5 \* 3 mm  
Securing ring: 1.2 cm MS round bar.

4. The procedure adopted for manufacture of AI Crate (Artificial Insemination crate)/travis is also provided which briefly, is as under:

- Travis is generally made of strong durable iron bars & fixed on the ground with cement concrete;



- it has 4 posts affixed on the ground & cemented with two or more cross pieces at each side to safeguard the person from animal kick;
- it is manufactured out of best quality original galvanized iron pipe; the 4 legs are welded with base plates [mild steel] of specific inches square with specific thickness.

5. The use of the AI Crate (Artificial Insemination crate)/Travis, as listed out in the application are as under:

- It is used in animal husbandry department for medical treatment of cattle [cows & buffalo];
- It is mainly used in controlling large animals for the purpose of treatment and operations;
- It is also used for controlling animal during artificial insemination; cattle is fixed and tied to the iron tubular Travis to ensure that they do not move during the course of treatment.

6. The applicant is of the view that their product falls under TI 9018. He has also relied on the judgement of the Hon'ble Supreme Court in the case of Delhi Cloth and General Mills Co Ltd. [reported at 1977(001) ELT 199 (SC)].

7. In view of the foregoing, the applicant has filed this application, seeking advance ruling on the below mentioned questions viz

1. What is the rate of tax applicable for veterinary instruments, which is known as AI crate (Artificial Insemination Crate)/Travis?
2. Classification of the aforementioned product?

8. Personal hearing was granted on 08.05.2023 wherein Shri Rameshbhai Chaudhari, Shri S D Modi, Advocate and Shri Kaushik Chhable, Tax Consultant, appeared on behalf of the applicant and reiterated the facts as stated in the application. They showed photograph of the instrument for which this ruling on its classification is being sought. It was further informed that the instrument is only used for artificial insemination. They lastly relied on copies of tender and certificates enclosed with application to substantiate their averment.

### **Discussion and findings**

9. At the outset, we would like to state that the provisions of both the CGST Act and the GGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provisions under the GGST Act.



10. We have considered the submissions made by the Applicant in their application for advance ruling as well as the submissions made during the course of personal hearing. We have also considered the issue involved, the relevant facts & the applicant's submission/interpretation of law in respect of question on which the advance ruling is sought.

11. Before advertng to the submissions made by the applicant, we would like to reproduce the competing tariff entries, for ease of reference:

9018	INSTRUMENTS AND APPLIANCES USED IN MEDICAL, SURGICAL, DENTAL OR VETERINARY SCIENCES, INCLUDING SCIENTIGRAPHIC APPARATUS, OTHER ELECTROMEDICAL APPARATUS AND SIGHT-TESTING INSTRUMENTS <i>Electro-diagnostic apparatus (including apparatus for functional exploratory examinations or for checking physiological parameters) :</i>				
9018 11 00	-- Electro-cardiographs	u	*7.5%	-	
9018 12	-- Ultrasonic scanning apparatus :				
9018 12 10	--- Linear ultrasound scanner	u	*7.5%	-	
9018 12 90	--- Other	u	*7.5%	-	
9018 13 00	-- Magnetic resonance imaging apparatus	u	*7.5%	-	
9018 14 00	-- Scientigraphic apparatus	u	*7.5%	-	
9018 19	-- Other :				
9018 19 10	--- Electro encephalographs	u	*7.5%	-	
9018 19 20	--- Echo cardiograph	u	*7.5%	-	
9018 19 90	--- Other	u	*7.5%	-	
9018 20 00	- Ultra-violet or infra-red ray apparatus - Syringes, needles, catheters, cannulae and the like :	u	*7.5%	-	
9018 31 00	-- Syringes, with or without needles	u	*7.5%	-	
9018 32	-- Tubular metal needles and needles for sutures :				
9018 32 10	--- Needles for suture	kg.	*7.5%	-	
9018 32 20	--- Hollow needles for injection, aspiration,	kg.	*7.5%	-	
*w.e.f. 01.05.2022					
	biopsy and transfusion				
9018 32 30	--- Hilerio venus fistula needles	kg.	*5%	-	
9018 32 90	--- Other	kg.	*7.5%	-	
9018 39	-- Other :				
9018 39 10	--- Catheters (for urine, stool)	u	*7.5%	-	
9018 39 20	--- Cardiac catheters	u	*7.5%	-	
9018 39 30	--- Cannulae	u	*7.5%	-	
9018 39 90	--- Other - Other instruments and appliances, used in dental sciences :	u	*7.5%	-	
9018 41 00	-- Dental drill engines, whether or not combined on a single base with other dental equipment	u	*7.5%	-	
9018 49 00	-- Other	u	*7.5%	-	
9018 50	- Other ophthalmic instruments and appliances :				
9018 50 10	--- Ophthalmoscopes	u	*7.5%	-	
9018 50 20	--- Tonometers	u	*5%	-	
9018 50 30	--- Ophthalmic lasers	u	*7.5%	-	
9018 50 90	--- Other	u	*7.5%	-	
9018 90	- Other instruments and appliances :				
	--- Diagnostic instruments and apparatus :				
9018 90 11	---- Instrument and apparatus for measuring blood	u	*7.5%	-	
9018 90 12	---- Stethoscopes	u	*7.5%	-	
9018 90 19	---- Other	u	*7.5%	-	
	--- Surgical tools :				
9018 90 21	---- Bone saws, drills and trephines	u	*7.5%	-	
9018 90 22	---- Knives, scissors and blades	u	*7.5%	-	
9018 90 23	---- Forceps, forcep clamps, clips, needle holders, introducers, cephalotribe bone holding and other holding instruments	u	*7.5%	-	
9018 90 24	---- Chisel, gauges, elevators, raspatones, osteotome, craniotome, bone cutters	u	*5%	-	
9018 90 25	---- Retractors, spatulaprobes, hooks dialators, sounds, mallets	u	*7.5%	-	
9018 90 29	---- Other --- Artificial kidney (dialysis) apparatus, blood transfusion apparatus:	u	*7.5%	-	
9018 90 31	---- Artificial kidney (dialysis) apparatus	u	*7.5%	-	
9018 90 32	---- Blood transfusion apparatus	u	*7.5%	-	



	--- Anesthetic apparatus and instruments, ENT precision instruments, acupuncture apparatus, and endoscopes :		
9018 90 41	---- Anesthetic apparatus and instruments	u	*7.5%
9018 90 42	---- ENT precision instruments	u	*7.5%
9018 90 43	---- Acupuncture apparatus	u	*5%
9018 90 44	---- Endoscopes	u	*7.5%
*w.e.f. 01.05.2022			
	--- Other :		
9018 90 91	---- Hilerial or venous shunts	u	*7.5%
9018 90 92	---- Baby incubators	u	*7.5%
9018 90 93	---- Heart-lung machines	u	*7.5%
9018 90 94	---- Defibrillators	u	*7.5%
9018 90 95	---- Fibrescopes	u	*5%
9018 90 96	---- Laproscopes	u	*5%
9018 90 97	---- Vetrasonic lithotripsy instruments	u	*5%
9018 90 98	---- Apparatus for nerve stimulation	u	*5%
9018 90 99	---- Other	u	*5%

<b>7306</b>	<b>OTHER TUBES, PIPES AND HOLLOW PROFILES (FOR EXAMPLE, OPEN SEAM OR WELDED, RIVETED OR SIMILARLY CLOSED), OF IRON OR STEEL</b>		
	- Line pipe of a kind used for oil or gas pipelines:		
7306 11 00	-- Welded, of stainless steel	kg.	15%
7306 19	-- Other:		
	--- Galvanised pipes:		
7306 19 11	---- Of iron	kg.	15%
7306 19 19	---- Other	kg.	15%
	--- Non galvanised pipes:		
7306 19 21	---- Of iron	kg.	15%
7306 19 29	---- Other	kg.	15%
	- Casing and tubing of a kind used in drilling for oil or gas:		
7306 21 00	-- Welded, of stainless steel	kg.	15%
7306 29	-- Other:		
7306 29 11	---- Of iron	kg.	15%
7306 29 19	---- Other	kg.	15%
7306 30	- Other, welded, of circular cross-section, of iron or non-alloy steel:		
7306 30 10	---- Of iron	kg.	15%
7306 30 90	---- Other	kg.	15%
7306 40 00	- Other, welded, of circular cross-section, of stainless steel	kg.	15%
7306 50 00	- Other, welded, of circular cross-section, of other alloy steel	kg.	15%
	- Other, welded, of non-circular cross-section:		
7306 61 00	-- Of square or rectangular-cross-section	kg.	15%
7306 69 00	-- Of other non-circular cross-section	kg.	15%
7306 90	- Other:		
	-- ERW precision tubes:		
7306 90 11	---- Of iron	kg.	15%
7306 90 19	---- Other	kg.	15%
7306 90 90	--- Other	kg.	15%

12. Notification No. 01/2017-CT (Rate) dated 28.06.2017 which prescribes the rate of tax (schedules), further under 'Explanation' states as follows:

(iii) "Tariff item", "sub-heading" "heading" and "Chapter" shall mean respectively a tariff item sub-heading, heading and chapter as specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).

(iv) The rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this notification.

13. The rival tariff entries as far as the classification of product in question is concerned is TI 9018 and TI 7306. The applicant has provided a

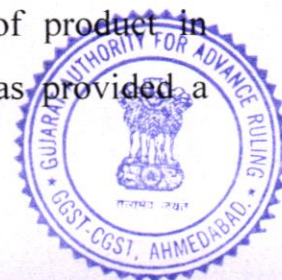
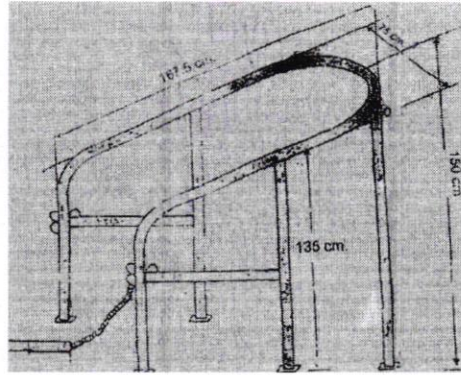


diagram of the product viz AI crate (Artificial Insemination Crate)/Travis, which is reproduced below for ease of reference viz



14. We would first like to take up the classification of the product in dispute ie AI crate (Artificial Insemination Crate)/Travis. We find that the applicant is of the view that his product falls under TI 9018. Now, the description of the TI as provided in the Customs Tariff states as follows:

*“Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scientigraphic apparatus, other electromedical apparatus and sight testing instruments.”*

15. The diagram of the product in question viz AI crate (Artificial Insemination crate)/Travis, and the photograph of the product that was shown during the course of personal hearing, clearly depict that the product is nothing but a structure made of tubes, pipes of iron and steel. Ideally, therefore, the product falls within the ambit of TI 7306.

16. Even otherwise, we find that for the product to be classified under TI 9018, it should be a *instrument* or an *appliance* or at least an *apparatus*. The applicant has not produced anything before the Authority which would enable us to arrive at a finding to hold that the product in question is a instrument or an appliance or an apparatus. This being the fact, the product would not fall within the ambit of TI 9018.

17. As far as rate of tax is concerned, we find that in terms of notification No. 1/2017- Central Tax (Rate), Schedule III, Sr. No. 220, the rate of GST is 18%.

18. Our above finding is substantiated vide Ruling No. 05/AP/GST/2021 dtd 18.1.2021 by AAR, Andhra Pradesh in the case of M/s SKML Industries, Visakhapatnam.



19. In the light of the above, we rule as under:

**RULING**

1. The product AI crate (Artificial Insemination Crate)/Travis is leviable to GST at the rate of 18% [9% CGST and 9% SGST).
2. The product in question viz AI crate (Artificial Insemination crate)/Travis is classified under TI 7306 of CTH.

(MILIND KAVATKAR)  
MEMBER (SGST)



(AMIT KUMAR MISHRA)  
MEMBER (CGST)

Place: Ahmedabad

Date: 30 /06/2023