	KERALA AUTHORITY FOR ADVANCE RULING GOODS AND SERVICES TAX DEPARTMENT TAX TOWER, THIRUVANANTHAPURAM
---	--

BEFORE THE AUTHORITY OF: *Shri. S. Anil Kumar IRS &
: Shri. B.S. Thyagarajababu B.Sc, LL.M*

Legal Name of the applicant	Mr. P.M. SANKARAN
GSTIN	32AIUPS2151C1ZD
Address	5/39, Fresh Products, Ambalakkadavu, Cheranelloor, Ernakulam - 682034.
Advance Ruling sought for	GST rate for Peanut Candy; Gingelly Candy; Uniappam; Neyyappam; Kinnathappam; Kalathappam; Rice Ball (ariyunda); Achappam; Kuzhalappam; Madakku; Pottiappam; Thatta/Thattavada; Murukku; Avil Vilayichathu; Baked Chips.
Date of Personal Hearing	15.06.2019
Authorized Representative	Mr. Biju Prem Shankar

ADVANCE RULING No. KER/53/2019 Dt. 21.06.2019

The applicant M/s. Fresh Products is a manufacture of traditional snacks from Kerala. The products are manufactured with ingredients such as Bananas, Potatoes, Tapioca, Nuts, Dhal, Sugar, Chillies, Spices, Wheat, Rice, Ghee, Coconut oil etc. Applicant requested advance ruling on the following:

GST rate for Peanut Candy; Gingelly Candy; Uniappam; Neyyappam; Kinnathappam; Kalathappam; Rice Ball (ariyunda); Achappam; Kuzhalappam; Madakku; Pottiappam; Thatta/Thattavada; Murukku; Avil Vilayichathu; Baked Chips.

The authorized representative of the applicant was heard. It is pointed out that the products are having trade mark "chipo". The ingredients used by the manufacture for the difference products are shown below:

Sl. No.	Name of the products	Ingredients
1	Peanut candy	Peanut, jaggery syrup, cardamom powder
2	Gingelly candy	Gingelly seed, jaggery syrup, cardamom powder

3	Uniappam	Rice flour, jaggery, coconut oil, coconut
4	Neyyappam	Rice flour, jaggery, coconut oil, ripe banana, coconut
5	Kinnathappam	Rice flour, jaggery, coconut milk, chana dhal, cardamom powder
6	Kalathappam	Rice flour, jaggery, shallots, coconut oil
7	Rice Ball (ariyunda)	Rice flour, jaggery, ghee, cardamom powder
8	Achappam	Rice flour, whole wheat flour, coconut oil, sugar, salt
9	Kuzhalappam	Rice flour, gingelly seed, salt, coconut oil
10	Madakku	Refined wheat flour, palmolien, sugar, salt
11	Pottiappam	Refined wheat flour, palmolien, gigelly seed, cumin seed, salt
12	Thatta / thattavada	Refined wheat flour, rice flour, chana dhal, palmolien, gigelly seeds, curry leaves, salt
13	Murukku	Rice flour, palmolien, salt
14	Avil Vilayichathu	Rice flakes, jaggery, ghee, cardamom powder
15	Baked chips	Vegetables / fruits toasted / baked

The Peanut candy and Gingelly candy are confectionery products made by heating a variety of sugars and thereby covered under HSN 1702.

The Uniappam, Neyyappam, Kinnathappam, Kalathappam, Rice Ball (ariyunda) and Avil Vilayichathu are traditional sweet/snack of Kerala. It is deep fried fitters made with rice and jaggery. Hence these items comes under the category of "sweetmeats" with HSN 2106 90 covered under Entry 101 of 1st schedule.

The Achappam, Kuzhalappam, Madakku, Pottiappam, Thatta / Thattavada and Murukku etc are savouries having a salty or spicy flavour rather than a sweet one. Hence these items comes under the category of "namkeens" with HSN 2106 90. Therefore if the items are sold

under trade / brand name, it will covered under Schedule II of Sl.No.46 and otherwise 101A of the 1st Schedule.

The Baked Chips are come under HSN 2008 19 40 "other roasted and fried vegetable products".

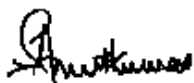
In view of the observations stated above, the following rulings are issued:

01) Peanut candy and Gingelly candy are taxable at the rate 5% GST vide Entry No.92 of 1st Schedule (Notification No.1/2017/CT (Rate) dtd.28-06-2017 & SRO.No.360/2017 DTD.30-06-2017).

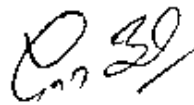
02) Uniappam, Neyyappam, Kinnathappam, Kalathappam, Rice Ball (ariyunda) and Avil Vilayichathu are taxable at the rate of 5% GST vide Entry No.101 of the 1st Schedule (Notification No.1/2017/CT(Rate) dtd.28-06-2017 & SRO.No.360/2017 DTD.30-06-2017).

03) Achappam, Kuzhalappam, Madakku, Pottiappam, Thatta / Thattavada and Murukku are taxable at the rate of 12% GST if sold at brand / trade name vide Entry 46 of the 2nd Schedule. If these items are sold in unit container without brand name or with a brand name on which any actionable claim or enforceable rights in respect of such brand name has voluntarily forgone are taxable at the rate of 5% vide Entry No. 101A of the 1st Schedule. (Notification No.34/2017/CT(Rate) & SRO.No.727/2017)

04) Baked Chips are come under HSN 2008 19 40 and taxable at 12% vide Entry 40 of 2nd Schedule. (Notification No.1/2017/CT(Rate) dtd.28-06-2017 & SRO.No.360/2017.)



S. Anil Kumar, IRS
Additional Commissioner of Central Tax
Member



B.S. Thyagarajababu, B.Sc, LL.M
Joint Commissioner of State Tax
Member

To

Mr. Punnorath Meethal Sankaran,
5/39, Fresh Products, Ambalakkadavu,
Cheranelloor, Ernakulam – 682034.

