E/Pallavi/circular

University of Mumbai

No. Aff./ICC/ (2024-25)/11/ of 2024

CIRCULAR

Sub:- Taxability of affiliation fee collected by Universities from various affiliated colleges.

Ref:- 1) Administrative Instructions, Asheesh Sharma, Commissioner of State Tax, Maharashtra State, Mumbai Appasaheb Gorde, Joint Commissioner of State Tax (HQ-1), Maharashtra State, Mumbai, No.DC (A&R)-5/HQ-1/Affiliation fees/03/2024/B 20 Mumbai, date 13/02/2024

2) मंदार केळकर, उप सचिव (कारधान) वित्त विभाग, मंत्रालय, मुंबई यांचे क. संकीर्ण—२०२४/अनौ स.क. ०१/कराधान—१ दिनांक २९ एप्रिल, २०२४.

3) शरद कोकाटे, कार्यासन अधिकारी, महाराष्ट्र शासन, उच्च व तंत्र शिक्षण विभाग मंत्रालय विस्तार, मुंबई यांचे क. संकीर्ण—२०२३/प्र.क १००/विशि—२ दिनांक १४ जून, २०२४ रोजीचे पत्र.

The Principals/ Directors of the affiliated colleges/ Recognized Institutions (Aided/ Unaided) are hereby informed that the Maharashtra Goods & Services Tax Department has issued Administrative Instructions in respect of applicability of GST on affiliation fees received by Univesrsity. The Administrative Instructions of GST is as follow:-

"1. You are well aware that as per entry at Dr. No. 30 of Notification No. 11/2017 State Tax (Rate) dated 20th June 2017 the education services are taxable which are classified under heading 9092 However, certain services mentioned below supplied by an educational institution are exempt from Off vide entry at lir. No. 66 of the Notification No. 12/2017 State Tax (Rate) dated 29th June 2017.

Services provided

(a) by an educational institution to its students, faculty and staff

(aa) by an educational institution by way of conduct of entrance examination against consideration in the form of entrance fee,

2. Similarly, services provided to an educational institution, relating to admission to, or conduct of examination are also exempt from GST under Entry at Sr. No. 66 (b) (iv) of Notification No. 12/2017- State Tax (Rate) dated 29th June 2017

3. You are also aware that the Clause 2(y) of the aforesaid Notification defines the term "Educational institutions". For better and effective understanding the said term is reproduced below. Thus "2(y) educational institution" reads as under

E/Pallavi/circular

2(y) educational institution means an institution providing services by way of

(i) pre school education and education up to higher secondary School or equivalent,

(ii) education as a part of a curriculum for obtaining u qualification recognized by any low for the time being in force

4. **On this background anal particularly after issuance of CHIC Circular No. 151/07/2021 GET 17 and 2021, the issue with regards to taxability of affiliation fee collected by various Universities from the affiliated colleges has emerged.**

5. **This office examined the issue and accordingly it is clarified that affiliation fee collected by various Universities from its affiliated colleges is not exempt since it does not meet the requirements given under Entry 66 (a) of Notification No 12/2017 State Tax (Rate) dated 29th June 2017 and is, therefore, exigible to GST 18%**

Accordingly, all the Zonal Additional Commissioners are advised to take necessary steps to verify the tax compliance by the Universities with respect to affiliation fee so charged. Difficulty, if any, in the implementation of the Advisory may be brought to the notice of this office."

The Directors/Heads of the University Departments/ Institutions, the Principals/ Directors of the affiliated colleges/ Recognized Institutions are therefore requested to kindly note the same and take the necessary action, accordingly. (Copy enclosed)

Baliram

(Prof.Baliram Gaikwad)
I/c REGISTRAR

Mumbai-400 032
02nd July, 2024

मंत्रालयीन सेवा

संदर्भ-51/vishi-2
15/05/2024

महाराष्ट्र शासन
वित्त विभाग
मंत्रालय, मुख्य इमारत, अर्थसंकल्प कक्ष,५ वा मजला
हुतात्मा राजगुरु चौक,मादाम कामा मार्ग, मंत्रालय, मुंबई-३२

दू.ध्व.क्र.०२२-२२०२५३३६ Email Id- dsfd.tax-mh@gov.in
क्र.संकिर्ण- २०२४/अनौ सं.क्र.०१/ कराधान-१ दिनांक :- २९ एप्रिल, २०२४

प्रति,
उप सचिव (विशि-२),
उच्च व तंत्रशिक्षण विभाग,
मंत्रालय, मुंबई-४०० ०३२

विषय - संलग्नता शुल्कावरील वस्तू व सेवा कर (GST) मधून सूट मिळण्याबाबत.

महोदय,

आपल्या विभागाच्या E- इलेट्रोनिक्सद्वारे प्राप्त झालेल्या नस्तीवरील कुलगुरु, गोंडवाना विद्यापीठ, गडचिरोली यांच्या दि.२४.०८.२०२३ रोजीच्या पत्रान्वये संलग्नता शुल्कावरील वस्तू आणि सेवा कर (GST) मधून सूट मिळण्याबाबत विनंती केली होती.

वरील मुद्याच्या अनुषंगाने राज्यकर विभागाकडून अहवाल मागविण्यात होता. सदर अहवाल प्राप्त झाला असून तो या पत्रासोबत जोडून पाठविण्यात येत आहे.

आपला,

सोबत :- वरील प्रमाणे

MKelkar
(मंदार केळकर)
उप सचिव (कराधान) वित्त विभाग

D:\sandeep\सन २०२४\इतर विभाग\उच्च व तंत्र शिक्षण विभाग गोंडवाना विद्यापीठ गडचिरोली.docx

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Office of The
Joint Commissioner of State Tax (HQ-1),
F wing, 7th floor, New building,
GST Bhavan, Mazgaon Mumbai- 400 010.
Tel No.022 23760916/23760757
e-mail:jcsthq1mumbai@gmail.com

To,
Shri. Mandar Kelkar,
Deputy Secretary (Taxation),
Finance Department,
Maharashtra State, Mumbai-400 032.

No. JCHQ-1/(AR-5)/GST/Affiliation fee/ADM-8/B-09 Mumbai dt. 24/4/2024

विषय: संलग्नता शुल्कावरील वस्तू व सेवा कर (GST) मधून सूट मिळण्याबाबत.
संदर्भ: उप सचिव (कराधान), वित्त विभाग यांचे दि. २९.०१.२०२४ रोजीचे पत्र क्र संकीर्ण २०२४/अनौ सं. क्र. ०१/ कराधान-१.

With reference to the captioned subject, the Maharashtra Goods & Services Tax Department has issued Administrative Instructions in respect of applicability of GST on affiliation fee received by the Universities. It is requested that the said administrative instructions, enclosed with this letter, may be brought to the notice of the applicant i.e. Gondwana University.

(This issues with the approval of Hon. Commissioner of State Tax, M.S.)

(Appasaheb Gorde)
Joint Commissioner of State Tax (HQ-1)
Maharashtra State, Mumbai.

Encl: As above

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Office of the
Commissioner of State Tax,
(GST), Maharashtra State,
8th Floor, GST Bhavan,
Mazgaon, Mumbai-400010.

Administrative Instructions

No. DC (A&R)-5/HQ-I/Affiliation fees/03//2024/1//B. 20 Mumbai. **Date 13/02/24.**

Subject : Taxability of affiliation fee collected by Universities from various affiliated colleges – reg.

1. You are well aware that as per entry at Sr. No. 30 of Notification No. 11/2017 State Tax (Rate) dated 29th June 2017 the education services are taxable which are classified under heading 9992. However, certain services mentioned below supplied by an educational institution are exempt from GST vide entry at Sr. No. 66 of the Notification No. 12/ 2017- State Tax (Rate) dated 29th June 2017.

   Services provided –

   (a) by an educational institution to its students, faculty and staff;

   (aa) by an educational institution by way of conduct of entrance examination against consideration in the form of entrance fee;

2. Similarly, services provided to an educational institution, relating to admission to, or conduct of examination are also exempt from GST under Entry at Sr. No. 66 (b)(iv) of Notification No. 12/ 2017- State Tax (Rate) dated 29th June 2017.

3. You are also aware that the Clause 2(y) of the aforesaid Notification defines the term "Educational institutions". For better and effective understanding the said term is reproduced below. Thus "2(y) educational institution" reads as under:

   "2(y) educational institution" means an institution providing services by way of, -

   (i) pre-school education and education up to higher secondary school or equivalent;

   (ii) education as a part of a curriculum for obtaining a qualification recognized by any law for the time being in force;

(iii) *education as a part of an approved vocational education course."*

4. On this background and particularly after issuance of CBIC Circular No. 151/07/2021-GST dated 17th June 2021, the issue with regards to taxability of affiliation fee collected by various Universities from the affiliated colleges has emerged.
5. This office examined the issue and accordingly it is clarified that affiliation fee collected by various Universities from its affiliated colleges is not exempt since it does not meet the requirements given under Entry 66 (a) of Notification No. 12/2017 State Tax (Rate) dated 29th June 2017 and is, therefore, exigible to GST @ 18%.

Accordingly, all the Zonal Additional Commissioners are advised to take necessary steps to verify the tax compliance by the Universities with respect to affiliation fee so charged. Difficulty, if any, in the implementation of this Advisory may be brought to the notice of this office.

(Asheesh Sharma)
Commissioner of State Tax,
Maharashtra State,
Mumbai.

No. DC (A&R)-5/HQ-1/Affiliation fees/03//2024/1//B. 20 Mumbai. **Date 13/02/24.**

Copy forwarded to the Joint Commissioner of State Tax (MAHAVIKAS) with the request to upload this Advisory on Department's web-site.

(Appasaheb S. Gorde)
Joint Commissioner of State Tax,
(HQ)-1, Maharashtra State, Mumbai

Page 2 of 2

महाराष्ट्र शासन
उच्च व तंत्र शिक्षण विभाग मंत्रालय विस्तार, कक्ष क्रमांक-४२२,
चौथा मजला, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,मुंबई-४०० ०३२

दूरध्वनी क्र ०२२-२२७९३१७१ Email ID : vishi२-hted@mah.gov.in

क्रमांक: संकीर्ण-२०२३/प्र.क्र.१००/विशि-२ दिनांक :- १४ जून, २०२४.

प्रति,
कुलसचिव,
सर्व अकृषी विद्यापीठे.

विषय :- संलग्नता शुल्कावरील वस्तू आणि सेवा कर (GST) बाबत...

संदर्भ :- कुलगुरु, गोंडवाना विद्यापीठ, गडचिरोली यांचे दि.२४.०८.२०२३ रोजीचे पत्र.

महोदय,

उपरोक्त विषयी संदर्भाधिन पत्रान्वये संलग्नता शुल्कावरील वस्तू आणि सेवा कर (GST) मधून सूट मिळण्याबाबत विनंती केली आहे. सदर विनंतीच्या अनुषंगाने प्रस्ताव वित्त विभागास सादर करण्यात आला होता. वित्त विभागाने राज्यकर विभागाकडून अहवाल मागविला होता. सदरहू अहवालाची तपासणी केली असता, संलग्नता शुल्कावरील वस्तू आणि सेवा कराबाबत सुट नसल्याचे दिसून येत आहे. सबब, सदरहू अहवाल पुढील कार्यवाहीस्तव सोबत जोडून पाठविण्यात येत आहे.

सोबत :- अहवाल.

आपला,

(शरद कोकाटे)
कार्यासन अधिकारी, महाराष्ट्र शासन

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