

MAHARASHTRA AUTHORITY FOR ADVANCE RULING
GST Bhavan, Room No.107, 1st floor, B-Wing, Old Building, Mazgaon, Mumbai - 400010.
 (Constituted under Section 96 of the Maharashtra Goods and Services Tax Act, 2017)

BEFORE THE BENCH OF

- (1) Shri. D.P. Gojamgunde, Joint Commissioner of State Tax, (Member)
 (2) Ms. Priya Jadhav, Joint Commissioner of Central Tax, (Member)

ARN No.	AD270722013005L	
GSTIN Number, if any/ User-id	27AAACH2815H1ZU	
Legal Name of Applicant	M/s. FIS Global Business Solutions India Private Limited	
Registered Address/Address provided while obtaining user id	Fairmont, Hiranandani Business Park, 3rd Floor, Powai, Maharashtra, Mumbai 400076.	
Details of application	GST-ARA, Application No. 47 Dated 20.07.2022	
Concerned officer		
Nature of activity(s) (proposed/ present) in respect of which advance ruling sought		
A	Category	Service Provision
B	Description (in brief)	The employment contract entered with the employee stipulates a condition to serve a pre-defined notice period before leaving the organization. In case where the employee wishes not to serve the stipulated notice period, employee can pay an agreed amount in lieu of such unserved notice period and take an early exit. Therefore, the applicant wants to understand whether the amount recovered from salary of an employee in form of 'notice pay' is chargeable to GST.
Issue/s on which advance ruling required		➤ Determination of the liability to pay tax on any goods or services or both
Question(s) on which advance ruling is required		As reproduced in para 01 of the Proceedings below.

NO.GST-ARA- 47/2022-23/B- **163** Mumbai, dt. **28.10.2024**

PROCEEDINGS

(Under Section 98 of the Central Goods and Services Tax Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017)

The present application has been filed under Section 97 of the Central Goods and Services Tax Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 [hereinafter referred to as "the CGST Act and MGST Act" respectively] by M/s. FIS Global Business Solutions India Private Limited, the applicant, seeking an advance ruling in respect of the following questions.

1. Whether GST would be applicable on notice pay recoveries made from employees on account of their inability to serve the pre-defined notice period?
2. Similar to recovery of notice pay, the Company also recovers joining bonus and retention bonus on account of employee's inability to serve the organization (or

a particular department, in case of retention bonus) for a pre-agreed period. The applicant wishes to seek clarity whether GST would be applicable on recovery of such bonus?

3. Whether GST would be applicable on recovery of work from home one-time setup allowance paid to employees in case where the employees exit before serving the pre-defined period from the payout date?
4. Whether GST would be applicable on recovery of amount paid as financial assistance to employees under Tuition Assistance Program (TAP) policy in case where the employee exit before serving the pre-agreed period in the organization?

The applicant requested through a letter dated 09.08.2024 that they may be allowed to voluntarily withdraw their subject application filed on 20.07.2022 for following reasons: -

"The applicant has received clarity from Circular no. 178/10/2022-GST dated 03.08.2022."

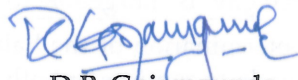
The request of the applicant to withdraw their application voluntarily and unconditionally is hereby allowed, without going into the merits or detailed facts of the case.

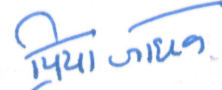
ORDER

(Under section 98 of the Central Goods and Services Tax Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017)

The Application in GST ARA Form No. 01 of M/s. FIS Global Business Solutions India Private Limited, vide reference Online ARA Application Dated 20.07.2022 is disposed of, as being withdrawn voluntarily and unconditionally.




D.P. Gojamgunde
(Member)


Priya Jadhav
(Member)

1. The applicant
2. The concerned Central / State officer
3. The Commissioner of State Tax, Maharashtra State, Mumbai
4. The Pr. Chief Commissioner of Central Tax, Churchgate, Mumbai
5. The Joint Commissioner of State Tax, Mahavikas for Website.

Note:-An Appeal against this advance ruling order shall be made before, The Maharashtra Appellate Authority for Advance Ruling for Goods and Services Tax, 15th floor, Air India Building, Nariman Point, Mumbai – 400021. Online facility is available on gst.gov.in for online appeal application against order passed by Advance Ruling Authority.