

CO-OPERATIVE HOUSING SOCIETIES

CA. Ramesh Prabhu, CA. D.A. Chougule

Maharashtra Authority for Advance Ruling dated 1/12/2021 in the matter of Mahindra Splender CHS Ltd has held as under;

- (1) Concept of Mutuality is not applicable to Cooperative Housing Society Ltd under GST and hence the transactions between the society and the members are taxable under GST.
- (2) The members contribution upto Rs.7,500/- is exempted under entry NO. 77 of notification No.12/2017 CTR dated 28th June, 2017
- (3) Sinking fund, repair fund, election fund and education fund etc being used in due course of time are liable under GST.
- (4) If the contribution from members exceed Rs.7500/-, the entire amount will be liable under GST without any exemption.
- (5) Water supply of Municipality and flush water both are liable under GST
- (6) Electricity charges, property taxes and other statutory duties are not liable under GST and are not to be included in the total contribution of Rs.7,500/-
- (7) Input Tax credit on major repairs which are not capitalized are available to the society.