

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. Rajiv Magoo, Additional Commissioner of Central Tax, (Member)**
(2) **Shri. T. R. Ramnani, Joint Commissioner of State Tax, (Member)**

ARN No.	AE271218001031Q
GSTIN Number, if any/ User-id	27AAACJO247P1ZD
Legal Name of Applicant	M/S. JYOTI CERAMIC INDUSTRIES PVT. LTD.
Registered Address/Address provided while obtaining user id	PLOT NO. C-21, N.I.C.E. SATPUR, NASHIK-422007
Details of application	GST-ARA, Application No. 118 Dated 28.02.2020
Concerned officer	Division-I, Commissionerate Nashik. Range-Satpur
Nature of activity(s) (proposed/present) in respect of which advance ruling sought	
A	Category
B	Description (in brief) (As per applicant)
	<p>Factory/Manufacturing</p> <p>Applicant is engaged in manufacture, sale & exports of various ceramic products known as Industrial or Technical Ceramic falling under chapter Heading 68, 69, 84, etc. Applicant also operates a dental clinic at a separate location.</p> <p>Applicant also manufactures & markets "Zirconium Oxide Ceramic Dental Blanks" in various shapes & sizes and clears the same under chapter heading 69091200. From those blanks artificial ceramic teeth, crowns, bridges, dental restoratives are produced by the users. Artificial teeth are classifiable under Chapter heading 90212100.</p> <p>Applicant also runs a dental clinic offering health care services classifiable under Chapter heading 999312 & 999722.</p>
	Issue/s on which advance ruling required
	➤ Classification of 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- 118/2019-20/B- 06

Mumbai, dt. 19.01.2022

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. JYOTI CERAMIC INDUSTRIES PVT. LTD.**, the applicant, seeking an advance ruling in respect of the following questions.

1. Whether the Product namely "Zirconium Oxide Ceramic Dental Blanks" in different sizes as sold by Applicant are classifiable under Chapter Heading 69091200 as "Ceramic Product" as at this stage Artificial Teeth are not produced from it, even though the Product is biscuit fired having hardness of less than 9 on Moh's scale or the product is classifiable under Chapter Heading 90212100 since Artificial Ceramic Teeth are produced from the product which has hardness of 9 on Moh's scale.
2. Whether Artificial Teeth, Crown, Bridges, Dental Restoratives etc as produced from the Product of Applicant is classifiable under Chapter Heading 90212100.
3. Whether the health care services including providing of Artificial Teeth, Crown, Bridges etc treatment by dental clinic of Applicant to its patients, excluding health care services for bleaching of teeth and dental veneers treatment falls under Chapter Heading 999312, attracting Nil rate of GST.
4. Whether health care services namely bleaching of teeth and dental veneers for smile designing provided by dental clinic of Applicant to its patients falls under Chapter Heading 999312 at Nil rate of GST or Chapter Heading 999722 at 18% GST.

At the outset, we would like to make it clear that the provisions of both the CGST Act and the GST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provision under the MGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, the expression 'GST Act' would mean CGST Act and MGST Act.

2. FACTS AND CONTENTION – AS PER THE APPLICANT

The submissions made by M/s Jyoti Ceramic Industries Pvt. Ltd., the applicant are as under:-

2.1 The Applicant, situated at Plot No. C-21, NICE, Satpur, Nashik 422007, Maharashtra, India is engaged in the manufacture, sale & export of various ceramic products, known as "Industrial" or "Technical Ceramics". The Applicant is also engaged in running a dental clinic at separate location at 7, Rushiraj Heights, Mahatma Nagar, Nashik 422007, Maharashtra.

2.2 Applicant was registered under erstwhile tax regime and was discharging excise duty, service tax and VAT on the manufacture, sale & export of its products and taxable services as applicable.

2.3 The Applicant besides other products is also engaged in the manufacture, sale & export of "Zirconium Oxide Ceramic Dental Blanks" (referred to as 'Product') in various shapes & sizes which is classified by Applicant under Chapter heading 69091200. The description of said chapter heading is reproduced as below:

6909	"Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods".
69091200	Articles having a hardness equivalent to 9 or more on the Moh's scale"

2.4 The said Product is manufactured from clinical grade raw materials, out of which artificial ceramic teeth, crowns, bridges, dental restoratives etc. are produced. The Product is also called bio-ceramic product. Due to advancement in technology in recent years, CAD/CAM milling is now used in the manufacture of artificial ceramic teeth, crown, bridges, dental restoratives etc.

2.5 The procedure of manufacture of artificial ceramic teeth, crowns, bridges, dental restoratives etc. in brief is explained as under:

The Dentist take impression of teeth of patient and gives the same to Dental Laboratories who are engaged in business of catering to the requirement of Dentists including requirement of artificial ceramic teeth, crown, bridges, dental restoratives etc. After Dental Laboratory receives impression, a model is prepared by them. Most of the Dental Laboratory is now have installed CAD/CAM milling machine using special software. Along with milling machine, special scanner is installed. Prepared model is kept in scanner which scans the model and with the help of special CAD software Lab Technicians designs required teeth, crown, bridges, dental restoratives, etc. Once design process is completed, technician gives instructions through software/computer to milling machine. On the milling machine Applicant's Product "Zirconium Oxide Ceramic Dental Blanks" is fixed. The milling machine start milling of artificial ceramic teeth, crown, bridges, dental restoratives etc from the impugned Product and after milling they are sintered to give it final hardness which is more than 9 on Moh's scale final finishing, layering, etc is then carried. Hence Impugned product is the material for making artificial ceramic teeth.

2.6 The Product - Zirconium Oxide Ceramic Dental Blanks were classified under Chapter heading 69091200 under erstwhile Central Excise Act. As per guidance note to chapter heading 69, it applies "only to ceramic products which have been fired after shaping".

2.7 The procedure for manufacture of - Zirconium Oxide Ceramic Dental Blanks is as follows:

Clinical grade of Yittria stabilised zirconium oxide powder is taken and mixed with other ingredients like binders etc as per pre-defined recipe. After mix is prepared it is pressed by using different pressing technique to form a shape in form of round disc, rectangular blocks etc as required. The formed shapes are then finished and are biscuit sintered (fired) i.e. not fully sintered just to give it sufficient hardness to facilitate easy milling of artificial teeth, crown, bridges, dental restorative etc on CAD/CAM milling machines as enumerated above.

2.8 Artificial ceramic teeth, crown, bridges, dental restoratives etc. as produced by Dental Lab are classified under chapter 90212100. The description of said chapter heading is as under:

9021	Orthopaedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances, artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability.
9021 2100	Artificial teeth and dental fittings..... Artificial teeth

2.9 Though the Product is used for fabrication of artificial ceramic teeth, crown, bridges etc, they are not classified by Applicant under chapter heading 90212100 under which artificial ceramic teeth crown, bridges etc falls. The Product when leaves Applicant's factory is in the form of



round disc, rectangular blanks or other shapes. It is Dental Laboratory which mills out artificial ceramic teeth, crown, bridges etc as per dentist requirement from it and supply the same to dentist to fit in patient's mouth. Fabrication of artificial ceramic teeth, crown, bridges etc takes places at the Dental Laboratory from Applicant's Product.

2.10 When a Dentist fits the artificial ceramic teeth, crown, dental restoratives etc in patient's mouth it does not attract GST as health care services are exempt from GST.

(i) Applicant also operates a dental clinic, wherein all dental treatment including the fitment of artificial ceramic teeth, crown, bridges, dental restoratives etc is carried out by qualified Dentists who are regular employees of the clinic. Besides, specialist consultant are also called as & when needed. Such services are classified by the Applicant under following chapter heading:

999312	Medical and dental services.
--------	------------------------------

Currently above services are taxed at Nil rate of GST.

(ii) Besides above health care services, Applicant also provides following services:

1. Bleaching of teeth – which is either the restoration of natural tooth shade or whitening beyond the natural shade. Restoration of the underlying natural tooth shade is possible by removing surface stains caused by extrinsic factors, strainers such as tea, coffee, tobacco, pan etc.

2. Dental veneers treatment or smile designing. Dental veneers are wafer thin, custom made shells of tooth coloured ceramic designed to cover the front surface of teeth to improve facial appearance and / or smile.

Above two services are classified by Applicant as under:

999722	Cosmetic treatment (including Cosmetic / plastic surgery)
--------	---

The Applicant pays applicable GST at 18% on two services.

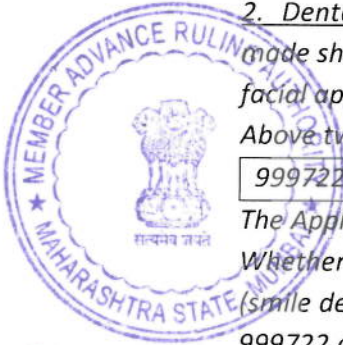
Whether the healthcare service of providing of bleaching of teeth & dental veneers treatment (smile designing) are classifiable under Chapter Heading 999312 attracting Nil rate of GST or CH 999722 attracting 18% GST.

B. STATEMENT CONTAINING APPLICANT'S INTERPRETATION OF LAW

2.11 Applicant is presently classifying "Zirconium Oxide Ceramic Dental Blanks" under Chapter Heading 69091200 and paying GST as per chapter heading note No.1, to Chapter 69 which specifies that this chapter heading applies to only ceramic product which has been fired after shaping. The product per se in its form is not artificial teeth, crown, bridges, dental restoratives etc, however product is made and solely design for production of artificial teeth, crown, bridges, dental restoratives etc. It is pertinent to note that Note No.2 (g) to Chapter 69, excludes artificial teeth as they are classified under Chapter 9021.

2.12 Artificial ceramic teeth, crown, bridges, dental restoratives etc made from Product will be classified under chapter heading 90212100 at current rate of GST @ 12%.

2.13 Health care services provided by Applicant's Dental Clinic will be classified under CH 999312, which are exempt from GST, except for two treatments considered by Applicant as cosmetic. The dental clinic of the Applicant employs qualified dentists as well as avails services of dental



Handwritten signature and initials.

specialist consultant as & when required. As per CBEC clarification vide circular No. 32/06/2018-GST dtd. 12.2.2018, health care services provided by clinical establishment, authorized medical practitioner or paramedical are exempted (Sr. No. 74 of Notification 12/2017-CT (Rate) dtd. 28.6.2017 as amended. It also clarifies that services provided by seniors, doctor, consultant, technicians hired by hospitals whether employee or not, are health care services and exempted.

- 2.14 Bleaching of teeth, dental veneers and smile designing will be classified under CH 999722 on which GST is payable at 18% or Chapter Heading 999312 at Nil rate of GST. Two services provided by clinic of Applicant namely bleaching of teeth and dental veneers or smile designing should also be classified under chapter heading 999312 which is exempted as they are also health care services for treating deformity or abnormality of teeth or its formation effecting smile of patient. Such treatment will not fall under cosmetic or plastic surgery. Also no surgery is required in for carrying out above two health care services.

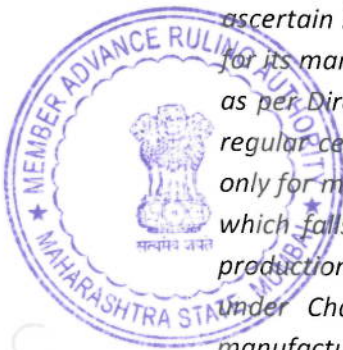
APPLICANT SUBMISSION (VIA EMAIL DATED 08.06.2021)

Classification of Zirconium Oxide Ceramic Dental Blanks

- 2.15 Applicant is classifying the Product under Chapter Heading 69091200 under 'Article having hardness equivalent to 9 or more on Moh's scale' attracting 18% GST. Zirconium Oxide Ceramic Dental Blanks are manufactured from special high purity raw materials which has to be bio compatible i.e. the material should not be harmful or toxic to living tissue, hence these special raw materials are very expensive as compared to regular material used for manufacture of regular ceramic products. The Product to be marketable has to be tested for many parameters to ascertain its bio-compatibility as per prescribed standards. Based on the tests and the standards for its manufacture applicant is granted certificate as per EN ISO 13485:2016 and CE certification as per Directive 93/42/EEC on medical devices. Such tests and certification are not required for regular ceramic products which falls under Chapter Heading 6909. All these tests are required only for manufacture of bio-compatible ceramic from which artificial teeth are AINDU produced which falls under Chapter Heading 9021. Hence regular ceramic material cannot be used for production of bio-compatible ceramic products NASIK 122007 which in applicant's case falls under Chapter Heading 9021. Zirconium oxide ceramic dental blanks cannot be used in manufacture of other products given its cost and specific shape etc. Zirconium oxide ceramic dental blanks are produced in different grades having different translucency & shades so as to match the aesthetic of natural teeth. This further strengthen the use of blanks only for making artificial teeth & no other products. Similarly Ceramic Blanks manufactured from other material cannot be used for manufacture of artificial teeth given specification and bio-compatibility requirements.

- 2.17 Applicant refers to the case law of Ok. Play (India) Limited Vs Commissioner of Central Excise New Delhi-III Gurgaon - 2005 (2) EMI 114 SC wherein it was held that functional utility, design, shape and pre dominant use has to be taken into account while determining classification of item,

- 2.18 As per General Rule of Interpretation of the Harmonized System, Rule 2(a) of interpretation states "Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the Incomplete or unfinished article has the essential character of the complete or finished article."



Rule 2(a) (incomplete or unfinished articles) extends the scope of any heading which refers to a particular article to cover not only the complete article but also that article incomplete or unfinished, provided that, as presented, it has the essential character of complete or finished article.

"Rule 2(a) (11) of Harmonized System states as under:

"The provision of this Rules also apply to blanks unless these are specified in a particular heading. The term "blank" means an article, not ready for direct use, having the appropriate shape or outline of the finished article or part, and which can only be used, other than in exceptional cases, for completion into the finished article or part.

Semi-manufacturers not yet having the essential shape of the finished article (such as generally the case with bars, disc, tubes etc.) are not regarded as 'blanks'."

2.19 The question is whether Zirconium oxide ceramic dental blanks can be described as unfinished artificial teeth of heading 9021. The unfinished article viz zirconium oxide ceramic dental blanks is classifiable in the heading for the finished article if it has the essential character of the complete or finished article. The final product namely artificial teeth are manufactured from zirconium oxide ceramic dental blanks and hence merits classification under Chapter Heading 9021. Hence, zirconium oxide ceramic dental blanks are classifiable under CH 9021 due to following:

1. Due to heavy cost of raw materials, bio-compatible tests requirements etc it can be concluded that they are exclusively used for manufacture of artificial teeth.

2. As per General Rule 2(a) of Interpretation of the Harmonized System blanks are incomplete or unfinished final product viz Artificial Teeth, hence merits classification under the same heading.

3. The General Rule of Interpretation also further classifies the term "blanks". Zirconium oxide ceramic dental blanks are in trade termed as "blanks" only which are used for completion of finished article i.e. artificial teeth.

4. Zirconium oxide ceramic dental blanks are of particular shape & thicknesses designed only for producing artificial teeth. Besides they come in different grades of translucency & shades so as to look & match the aesthetic of natural teeth.

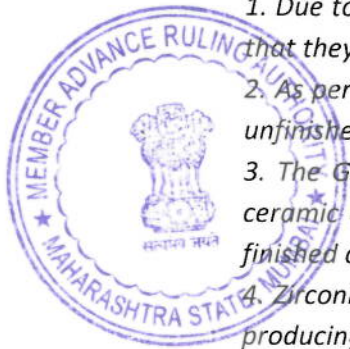
03. CONTENTION – AS PER THE CONCERNED OFFICER:

The jurisdictional/concerned officer has not made any submissions in the matter.

04. HEARING

4.1 Preliminary e-hearing in the matter was held on 02.06.2021. Authorized Representative of the applicant, Shri. Viraf Deboo was present. Jurisdictional officer was absent. The Authorized Representatives made oral submission with respect to admission of their application.

4.2 The application was admitted and called for final e-hearing on 17.11.2021. The Authorized Representatives of the applicant, Shri. Viraf Deboo, Commercial director and Shri. Vilas Kumbhar, GST Incharge were present. The Jurisdictional officer was absent. We heard the applicant.



05. OBSERVATIONS AND FINDINGS:

- 5.1 We have perused the documents on record and considered the oral and written submissions made by the applicant. The jurisdictional officer has not made any submissions in the matter till the time of passing this order.
- 5.2 Applicant manufactures Zirconium Oxide Ceramic Dental Blanks from clinical grade raw materials (Yittria stabilised zirconium oxide powder is taken and mixed with other ingredients like binders etc as per pre-defined recipe), which have been classified by the applicant under chapter heading 69091200 of the erstwhile Central Excise Act and also under the GST regime. The applicant has submitted that the said product is used in dentistry for artificial teeth and should therefore be covered under the same HSN as artificial teeth i.e. 9021 of the GST Tariff.
- 5.3.1 Chapter 6909 covers Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods.
- 5.3.2 What we need to find out is whether the impugned product can be called as a ceramic ware. A reading of the Zircon Industry Association reveals that, Zircon is the primary mineral, which is a co-product from the mining and processing of ancient heavy mineral sand deposits. It is also referred to as **zirconium silicate** and has the chemical composition $ZrSiO_4$. Zircon can be used either in its coarse sand form or milled to a fine powder, which is referred to as zircon flour. Zircon sand is used in the casting and foundry industries, whilst zircon flour is primarily used as an opacifier in the ceramics industry. Further, Zircon can be processed to create zirconia by melting the sand at very high temperatures, typically above $2,600^{\circ}C$, in an electric arc furnace to form molten zirconia, also known as **zirconium oxide (ZrO_2)**. The cooled and crushed zirconia is then used in many different applications including in advanced ceramics and biomedical implants. The subject product is described by the applicant as 'Zirconium Oxide Ceramic Dental Blanks'.
- 5.3.3 From the submissions made by the applicant and a reference of the Zircon Industry Association we find that, the impugned product can be treated as a ceramic ware and therefore is covered under Chapter 69 of the GST Tariff.
- 5.3.4 We find that 'Pots, jars and similar articles of a kind used for the conveyance and packing of goods of ceramic" attract 12% GST as per Schedule II of Notification No. 01/2017 – C.T.R. dated 28.06.2017 (Entry No. 177A). Since the impugned product cannot be considered as Pots, jars and similar articles of a kind used for the conveyance and packing of goods of ceramic the same is not covered under the said Entry No. 177A of the above mentioned Notification.
- 5.3.5 We also find that, as per Entry No. 185 B of Schedule III of Notification No. 01/2017 – C.T.R. dated 28.06.2017, Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods attract 18% GST.
- 5.3.6 The impugned product, in light of the submissions made by the applicant and the above discussions, can be said to be a type of ceramic ware for use in laboratory, etc. and therefore we find that the impugned product is aptly covered under Tariff heading 6909 of the GST Tariff.
- 5.3.7 The applicant has also contended that the impugned product may be classified under Chapter 9021 21 00 as, "Artificial teeth and dental fittings..... Artificial teeth". We do not agree with the

contention of the applicant that the impugned product to be considered as Artificial teeth and dental fittings, purely because the impugned product, when it leaves the factory of the applicant are in various shapes like squares and circles, etc., are not in the shape of teeth, not ready to be used as Artificial Teeth and therefore cannot be considered as Artificial teeth.

5.3.8 As per Explanatory notes to Subheading 6909.12, this subheading covers high-performance ceramic articles. These articles are composed of a crystalline ceramic matrix (e.g., of alumina, silicon carbide, zirconia, or nitrides of silicon, boron or aluminium, or of combinations thereof); whiskers or fibres of reinforcing material (e.g., of metal or graphite) may also be dispersed in the matrix to form a composite ceramic material.

5.3.9 In view of the above discussion we are of the opinion that the impugned product are not Artificial Teeth, rather the same are a type of Ceramic wares used in laboratory, etc.

5.4. The second question raised by the applicant is "Whether Artificial Teeth, Crown, Bridges, Dental Restoratives etc as produced from the Product of Applicant is classifiable under Chapter Heading 90212100"?

5.4.1 The Applicant has submitted that, besides other products, it is also engaged in the manufacture, sale & export of "Zirconium Oxide Ceramic Dental Blanks" in various shapes & sizes. The applicant has also submitted that it is also engaged in running a dental clinic in Maharashtra, at Nashik. The applicant has further submitted that, the artificial ceramic teeth, crowns, bridges, dental restoratives etc., are made/manufactured by Dental laboratories. The applicant has not submitted whether they also have a Dental laboratory. The question (regarding making of artificial teeth) raised by the applicant appears to be a general question which is raised in respect of an activity (making of artificial teeth) by another entity and not the applicant. Since the question raised by the applicant does not pertain to an activity being undertaken or proposed to be undertaken by them, we are of the opinion that, as per the provisions of Section 95 of the CGST Act, 2017, the said question cannot be answered by this authority.

5.5. The third question asked by the applicant is whether the health care services including providing of Artificial Teeth, Crown, Bridges etc treatment by dental clinic of Applicant to its patients, under Chapter Heading 999312, attracting Nil rate of GST.

5.5.1 The Explanatory notes for the Scheme of Classification of Services is based on the explanatory notes to the United Nations Central Product Classification (UN CPC). The explanatory notes indicate the scope and coverage of the heading, groups and service codes of the Scheme of Classification of Services.

5.5.2 The Services Accounting Code (SAC) 9993 covers Human Health and Social Care Services. SAC 99931 covers Human Health Services. Accounting Code 999312 covers Medical and Dental Services. Service Code 999312 includes:

- (i) *general medical services consisting of the prevention, diagnosis and treatment by doctors of medicine of physical and/or mental diseases, such as:*
- a. consultations*
 - b. physical check-ups, etc.*

Note: These services are not limited to specified or particular conditions, diseases or anatomical regions. They can be provided in general practitioners' practices and also



delivered by outpatient clinics, at home, in firms, schools etc. or by phone, Internet or other means.

- ii. *consultation services in paediatrics, gynaecology-obstetrics, neurology and psychiatry, and various medical services*
- iii. *surgical consultation services*
- iv. *treatment services in outpatients clinics, such as dialysis, chemotherapy, insulin therapy, respiratory treatment, radiation treatment and the like*
- v. *analysis and interpretation of medical images (x-ray, electrocardiograms, endoscopies and the like)*

Note: These services can be provided in specialized practitioners' practices and also delivered by outpatient clinics, at home, in firms, schools etc. or by phone, Internet or other means.

- vi. *orthodontic services, e.g., treatment of protruding teeth, crossbite, overbite, etc., including dental surgery even when given in hospitals to inpatients*
- vii. *services in the field of oral surgery*
- viii. *other specialized dental services, e.g., in the field of periodontics, paedodontics, endodontics and reconstruction*
- ix. *diagnosis and treatment services of diseases affecting the patient or aberrations in the cavity of the mouth, and services aimed at the prevention of dental diseases*

Note: These dental services can be delivered in health clinics, such as those attached to schools, firms, homes for the aged, etc., as well as in own consulting rooms. They cover services in the field of general dentistry, such as routine dental examinations, preventive dental care, treatment of caries, etc.

5.5.3 We find that Service Code 999312 is an inclusive Code and includes (i) to (ix) above. Thus, Dental Services provided by a registered clinic, hospital, practitioner, etc. will be covered under Service Code 999312.

5.5.4 Further, Health care Services is defined in Para 2 (zg) of Notification No. 09/2017- IT(R) dated 28.6.2017, as : "*health care services means any service by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India and includes services by way of transportations of the patient to and from a clinical establishment, but does not include hair transplant or cosmetic or plastic surgery, except when undertaken to restore or to reconstruct anatomy or function of body affected due to congenital defects, development abnormalities, injury or trauma*".

5.5.5 Para 2(k) of Notification No. 09/2017-IT(R) dated 28.6.2017 defines "authorised medical practitioner" as "*a medical practitioner registered with any of the councils of the recognised system of medicines established or recognised by law in India and includes a medical professional having the requisite qualification to practice in any recognised system of medicines in India as per any law for the time being in force*".

5.5.6 As per Para 2(s) of Notification No. 09/2017- IT(R) dated 28.6.2017, "clinical establishment" means a hospital, nursing home, clinic, sanatorium or any other institution by, whatever name called that offers services or facilities requiring diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India, or a place

established as an independent entity or a part of an establishment to carry out diagnosis or investigative services of diseases.

5.5.7 The Applicant has submitted that it also operates a dental clinic wherein all dental treatment including the fitment of artificial ceramic teeth, crown, bridges, dental restoratives etc. are carried out by qualified Dentists who are employed as regular employees of the clinic. Further, specialist consultants are also called as & when needed.

5.5.8 We therefore observe that Health Services in the form of Dental Services like fitment of artificial ceramic teeth, crown, bridges, dental restoratives are carried out in applicant's clinic (Clinical establishment) by qualified Dentists who can be considered as Authorised Medical Practitioners, since Dentistry is a part and parcel of Medical Practice.

5.5.9 In view of the above discussions we hold that, the Dental Services like fitment of artificial ceramic teeth, crown, bridges, dental restoratives carried out by Dentists in the applicant's clinic is nothing but Health Services and are exempt from GST as per the provisions of SL No. 74 of Notification No 12/2017 CT (Rate) dated 28.06.2017 which is reproduced as under:-

Sr. No.	Chapter, Section, Heading, , Group or Service Code (Tariff)	Description of Services	Rate %	Condition
74	9993	<p><i>Services by way of-</i></p> <p><i>(a) health care services by a clinical establishment, an authorised medical practitioner or para-medics;</i></p> <p><i>(b) services provided by way of transportation of a patient in an ambulance, other than those specified in (a) above.</i></p>	NIL	NIL



5.5.10 However the provision of fitment of artificial ceramic teeth, crown, bridges, dental restoratives carried out in applicant's clinic will be eligible for exemption only if they are carried out as a part of Health Care Services i.e. they are carried out as a diagnosis or treatment or care for illness, injury, deformity, or abnormality and **not as a part of and including, cosmetic treatment.**

5.6 The fourth question asked by the applicant is whether health care services namely bleaching of teeth and dental veneers for smile designing provided by dental clinic of Applicant to its patients falls under Chapter Heading 999312 at Nil rate of GST or Chapter Heading 999722 at 18% GST.

5.6.1 The applicant has submitted that, 'Bleaching of teeth' is either the restoration of natural tooth shade or whitening beyond the natural shade. As per the submissions, restoration of the underlying natural tooth shade is possible by removing surface stains caused by extrinsic factors, strainers such as tea, coffee, tobacco, pan etc.

5.6.2 As mentioned above, "health care services means any service by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India and includes services by way of transportations of the patient to and from a clinical establishment, but does not include hair transplant or cosmetic or plastic surgery,

except when undertaken to restore or to reconstruct anatomy or function of body affected due to congenital defects, development abnormalities, injury or trauma”

5.6.3 As per the description given by the applicant in respect of Bleaching of teeth, we find that, the same is a restoration of natural tooth shade or whitening beyond the natural shade. This process cannot be considered as services by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy. Further the definition of “Health Care Services” specifically excludes cosmetic or plastic surgery, except when undertaken to restore or to reconstruct anatomy or function of body affected due to congenital defects, development abnormalities, injury or trauma. The applicant has not made any submissions to show that Bleaching of Teeth is undertaken to restore or to reconstruct anatomy or function of body affected due to congenital defects, development abnormalities, injury or trauma. In fact, from the applicant’s submissions it is clearly seen that Bleaching of Teeth is a pure cosmetic surgery used to enhance the look of the Teeth and therefore we hold that the said service is not covered under SAC 999312. In fact the said service is explicitly covered under SAC 999722 (Cosmetic treatment (including cosmetic/plastic surgery), manicuring and pedicuring services) which includes:-

(i) face and beauty treatment, including cosmetic treatment/surgeries.

5.6.4 Regarding “Dental Veneers”, applicant has submitted that, Dental veneers treatment is known as smile designing. As per their submissions, Dental veneers are wafer thin, custom made shells of tooth coloured ceramic designed to cover the front surface of teeth to improve facial appearance and / or smile.

5.6.5 Dental Veneer Treatment also, cannot be considered as services by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy. Further the said treatment falls under the exclusion part of the definition of “Health care Services”. The discussions made in para no. 5.6.3 above, pertaining to “Bleaching of Teeth” is applicable in case of “Dental Veneer Treatment” also and therefore we hold that Dental veneer Treatment which is done to enhance a ‘smile’ is explicitly covered under SAC 999722 (Cosmetic treatment (including cosmetic/plastic surgery), manicuring and pedicuring services)

In view of the extensive deliberations as held hereinabove, we pass an order as follows:

ORDER

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

For reasons as discussed in the body of the order, the questions are answered thus –

Question 1: - Whether the Product namely "Zirconium Oxide Ceramic Dental Blanks" in different sizes as sold by Applicant are classifiable under Chapter Heading 69091200 as "Ceramic Product" as at this stage Artificial Teeth are not produced from it, even though the Product is biscuit fired having hardness of less than 9 on Moh's scale or the product is classifiable under Chapter Heading 90212100 since Artificial Ceramic Teeth are produced from the product which has hardness of 9 on Moh's scale?



Answer:- In view of the discussions made above, the Product namely "Zirconium Oxide Ceramic Dental Blanks" in different sizes as sold by Applicant are classifiable under Chapter Heading 69091200

Question2:- Whether Artificial Teeth, Crown, Bridges, Dental Restoratives etc as produced from the Product of Applicant is classifiable under Chapter Heading 90212100.

Answer:- Since the question raised by the applicant does not pertain to an activity being undertaken or proposed to be undertaken by them, the said question is not being answered by this authority as per the provisions of Section 95 of the CGST Act, 2017,

Question 3 :- Whether the health care services including providing of Artificial Teeth, Crown, Bridges etc treatment by dental clinic of Applicant to its patients, excluding health care services for bleaching of teeth and dental veneers treatment falls under Chapter Heading 999312, attracting Nil rate of GST?


Answer:- Services of providing of Artificial Teeth, Crown, Bridges falls under Chapter Heading 999312, attracting Nil rate of GST only when the same are provided as Health care Services and not as a Cosmetic Services.

Question 4:- Whether health care services namely bleaching of teeth and dental veneers for smile designing provided by dental clinic of Applicant to its patients falls under Chapter Heading 999312 at Nil rate of GST or Chapter Heading 999722 at 18% GST?

Answer:- In view of the above discussions, the services of bleaching of teeth and dental veneers for smile designing provided by dental clinic of Applicant to its patients falls under Chapter Heading 999722 at 18% GST




RAJIV MAGOO
(MEMBER)


T. R. RAMNANI
(MEMBER)

Copy to:-

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.