

All India Haj Umrah Tour Organizer Association Mumbai v. Union of India & Ors.

Case number: Writ Petition (C) No. 755 of 2020 with Writ Petition (C) Nos. 781, 907, 772, 882, 809, 940, 855, 977, 856, 860, 896, 989, 1034, 1014, 1329 and 1431 of 2020

Citation: 2022 INSC 749; [2022] 17 S.C.R. 92

Decision date: 2022-07-26

Mixed service-tax and GST/IGST regime: private Haj/Umrah tour packages, religious-ceremony and specified-organisation exemptions, and Article 14 classification

Court: Supreme Court

Bench: A.M. Khanwilkar, Abhay S. Oka and C.T. Ravikumar, JJ. (judgment by Abhay S. Oka, J.)

Decision stage: Final judgment

01 Facts

Haj Group Organizers (HGOs), also called Private Tour Operators (PTOs), supplied Indian pilgrims with packages covering flights, accommodation, food, transport and related arrangements for pilgrimage to Saudi Arabia. Indian pilgrims could travel through either these operators or the statutory Haj Committees under the bilateral arrangement between India and Saudi Arabia. Most petitioners were organisations representing operators; one petitioner was a prospective pilgrim. Following an earlier Supreme Court order of 11 December 2019, operators made a representation on 19 December 2019 seeking exemption. The GST Council rejected it on 14 March 2020 on the Fitment Committee's recommendation, communicated on 5 May 2020. The petitions challenged that refusal and the application of service tax/GST to the packages. They claimed the exemption for conducting a religious ceremony, parity with the exemption for specified organisations facilitating a religious pilgrimage, and non-taxability because the pilgrimage occurred abroad. The litigation referred to Haj/Umrah, although the detailed factual analysis chiefly concerned Haj. This is a mixed-regime decision: it addresses the negative-list service-tax regime and the corresponding GST/IGST exemptions after 1 July 2017.

Pinpoint: Paragraphs 1-7, 36-38, 46, 54-55 and 62; official PDF pages 2-6, 28-30, 48, 57-60 and 70-73.

02 Court Discussion

For service tax, the Court applied the negative-list regime introduced on 1 July 2012, rather than the earlier selective-service regime. Under rule 2(h), the operators were located in India. Under rule 2(i)(b)(iv), the individual pilgrims' location was their usual residence in India, not wherever they happened to receive a service during travel. Rules 3 and 8 consequently located provision of the package service within the taxable territory. The operators' arranging activity was not a performance-based service under rule 4(b). Religious ceremonies or functions did not fall within the events enumerated in rule 6; the Court read its residual words in the context of those listed events. It distinguished pre-1 July 2012 decisions relied on by the petitioners. For GST, paragraph 55 carried the result forward using the corresponding recipient-location definition in section 2(14) of the IGST Act and the GST charging framework. The reasoning concerns the Indian operator's package supplied to an Indian-resident pilgrim; travel abroad did not by itself relocate that recipient. The source contains cross-reference inconsistencies in this part of the discussion, set out in the statutory qualification below.

The exemption for conducting a religious ceremony applied to the service provider actually conducting that ceremony. An operator facilitating a pilgrim's journey, stay and related arrangements did not thereby conduct the rituals. The Court found the wording unambiguous. It discussed the general strict-construction rule in *Dilip Kumar* and the approach to beneficial exemptions in *Mother Superior Adoration Convent*, but held that the latter did not require a different result here. A separate exemption for services in respect of religious pilgrimage was confined to the defined specified organisations, which included the Haj Committees and Kumaon Mandal Vikas Nigam Limited, not private operators. The Court also rejected the attempt to carve airfare and foreign-exchange arrangements away from the remaining package to claim an exemption for the balance. On the pleaded facts, the operators charged for one comprehensive package rather than charging separately for its components; none of those components was a service of conducting a religious ceremony. The Court treated the relevant GST/IGST exemption provisions as materially corresponding to the service-tax provisions.

For Article 14, the proper comparison was between taxable service providers. Similar services to similar pilgrims did not make all providers a single class. Haj Committees were government-controlled statutory bodies with welfare duties, restricted statutory funds and no profit motive. Private operators supplied commercial packages for profit and were not subject to those onerous statutory duties. The classification had an intelligible basis and a rational connection with encouraging the specified organisations' pilgrimage services. The Court upheld the reasons supporting the refusal of exemption and emphasised judicial restraint in fiscal policy. It did not undertake a merits determination of the extraterritorial validity issue, which the parties requested be left open. The rules' validity was not seriously argued, and the Article 25 ground was not substantiated.

Pinpoint: Paragraphs 33-45 (historical service tax and place of provision), 46-55 (exemptions, package and GST), and 56-65 (Article 14); official PDF pages 26-48, 48-60 and 60-78. Express limits: paragraphs 7, 44 and 66, pages 5-6, 47-48 and 78.

03 Decision

The Supreme Court dismissed all 17 writ petitions as devoid of merit, with no order as to costs. The private operators obtained neither the claimed religious-ceremony exemption nor extension of the specified-organisation exemption. Their Article 14 challenge failed. The refusal of relief covered the service-tax and GST/IGST issues adjudicated in this common judgment. No refund, remand, new exemption, individual assessment quantification or package-specific tax rate was ordered. The Court expressly kept the issue of extraterritorial operation of the service-tax regime open for appropriate proceedings, as requested by the parties.

Pinpoint: Paragraphs 51-55 and 60-67, especially the operative paragraphs 66-67; official PDF pages 54-60 and 68-78. Connected petitions: cover, page 1.

04 In Favour Of

Union of India / Revenue on the issues decided; extraterritorial service-tax validity expressly left open

In favour of the Union of India / Revenue on the package-taxability and exemption questions decided and on the Article 14 classification challenge. This is a final dismissal, not an interim order or remand. That result must be qualified by the express reservation of the extraterritorial service-tax issue. It does not establish a comprehensive ruling validating every rule or every overseas supply. Nor is it a developed Article 25 or Article 286 ruling: the former was unsubstantiated and the latter appears in submissions without a separate reasoned determination.

Pinpoint: Paragraph 16 (Article 286 submission), paragraphs 39-45, 51-55 and 60-67; official PDF pages 14-15, 44-48, 54-60 and 68-78.

05 AKHB REVIEW POINT

AKHB REVIEW POINT: Identify the particular supplier, recipient, contractual package and tax period before testing a pilgrimage exemption. A private operator does not acquire the statutory Haj Committee's exemption merely by serving the same pilgrims or arranging the same destination. Distinguish actually conducting a religious ceremony from arranging travel and accommodation so that a pilgrim can perform it. Preserve package contracts and charging records: the rejection of bifurcation rested on a comprehensive, jointly priced package and cannot replace analysis of a genuinely different supply. For historical service tax, apply the post-1 July 2012 location rules considered here and the notification version relevant to the demand. For GST, check the appropriate CGST/IGST provisions and period-specific notification wording; do not describe the post-2017 levy as Finance Act service tax. The Court's domestic-recipient reasoning is important, but its cross-reference slips should not be repeated as a universal section 12/section 13 rule. This judgment is not an adjudication of export status under every condition in section 2(6), nor of reverse-charge import tax on an operator's separate purchases from foreign suppliers. Do not present the reserved extraterritorial issue as finally settled or assume that the judgment determines a current rate, valuation, credit entitlement or every separately contracted travel service.

Pinpoint: AKHB analysis based on paragraphs 34-45, 46-55 and 57-67; official PDF pages 26-78. The scope of the Article 286 argument is recorded in paragraph 16, pages 14-15.

Sources and limitations

Relevant provisions

Finance Act, 1994: sections 64(1), 65B(52), 66B and 66C; negative-list service-tax regime from 1 July 2012 to 30 June 2017

Place of Provision of Services Rules, 2012: rules 2(h), 2(i)(b)(iv), 3, 4, 6 and 8; validity challenge to rules 8 and 14 not pursued in substantive argument

Notification No. 25/2012-Service Tax dated 20 June 2012, as amended and considered by the Court: entries 5(b) and 5A and definition of specified organisations

Integrated Goods and Services Tax Act, 2017: sections 2(14)-(15), 5(1), 12 and 13; Central Goods and Services Tax Act, 2017: section 9(1). Read the source cross-reference qualification below

Notification No. 12/2017-Central Tax (Rate), entries 13(a) and 60, and Notification No. 9/2017-Integrated Tax (Rate), entries 14(a) and 63, both dated 28 June 2017, as relevant to the dispute

Haj Committee Act, 2002: sections 2, 3, 4, 9, 17, 18, 27 and 30-32; Constitution of India: Article 14. Article 25 was pleaded but not substantiated; Article 286(1)(b) appeared in submissions without a separate reasoned holding

Statutory note

Historical scope: the service-tax analysis concerns the negative-list period from 1 July 2012 to 30 June 2017; the pre-1 July 2012 authorities were distinguished. Notification No. 25/2012-ST is considered in its amended form before the Court; this note does not assume that every quoted entry appeared in the original June 2012 notification. The GST discussion concerns the statutory framework commencing on 1 July 2017 and the corresponding 28 June 2017 exemption notifications. In legal terms, IGST/CGST are the post-2017

levies on supplies; the judgment sometimes uses service-tax terminology while discussing them. Source cross-references require care: paragraph 42 refers to section 12(10) while describing passenger embarkation, although the judgment itself reproduces the passenger-transport rule under section 12(9). Paragraph 55 invokes section 13(2), while section 12(1), reproduced earlier, addresses a supplier and recipient both located in India; section 13(1) requires one location outside India. Paragraph 42 also cites rule 9 in its alternative transport discussion. This note reports the actual package-taxability holding without treating those passages as a judicial correction of the quoted statutes or as a general cross-border place-of-supply code. Entry numbering is corroborated by the official Council agenda: <https://gstcouncil.gov.in/sites/default/files/Agenda/39th%20GSTCM%20-%20Volume%203.pdf> (Annexure I).

Treatment note

Primary judgment and specified metadata checked on 12 October 2026. The additional Council-agenda check concerns historical exemption entry identification, not later judicial treatment. No comprehensive subsequent-treatment, review-order, overruling or later-amendment search has been completed; current precedential status and present-day exemption availability are not certified. This is an AI-assisted, source-based AKHB research note for general information. It is not evidence of human legal review, legal advice or a substitute for professional advice on the reader's facts.

Scope of source review

Complete 78-page signed judgment, paragraphs 1-67, read in full. Signed cover and signature page visually checked. All 17 writ-petition numbers were verified from the cover. The lead title is All India Haj Umrah Tour Organizer Association Mumbai, not Al-Haj Travels. Neutral and SCR citations were verified against the official eSCR search entry; the signed PDF itself does not display those citations. GST exemption entry numbering was additionally checked against the official 39th GST Council agenda, Volume 3, Annexure I. This is a mixed service-tax/GST holding, not a GST-only decision.

Primary source

Source description: Supreme Court of India official signed judgment dated 26 July 2022

Official source: [Open source document](#)

AKHB source PDF: [Open source document](#)

Judges: A.M. Khanwilkar; Abhay S. Oka; C.T. Ravikumar

Outcome kind: final

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