



GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT
PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION
AND ADVANCE RULING

ACAAR No.119/2015-16
V&A-6/21371/2019

Dated: 07.02.2020

Present: 1.Thiru M.A. Siddique, I.A.S.,
Principal Secretary /
Commissioner of Commercial Taxes.
2.Thiru. K. Gnanasekaran,
Additional Commissioner (CT),
(Policy and Public Relations)
3.Dr. C. Palani,
Additional Commissioner (CT),
(Review and Appeal)(FAC)

Sub: TNVAT Act, 2006 – Application in Form VV
received under section 48-A seeking
clarification rate of tax on "**Waste Cement
bag Pulp**" – Reg.

Ref: 1. Application from Tvl. V.L.S. Fibre, Chennai
– 600 071 dated on 22.02.2016.
2. Authority for Clarification and Advance
Ruling passed order in ACARR No.
119/2015-2016 (Acts Cell-II/4734/2016),
dated 30.05.2018.
3. High Court order dated 18.09.2019 in W.P.
No. 16792 of 2019 filed by Tvl. V.L.S.
Fibre, Chennai.
4. Representation dated 27.09.2019 received
from Tvl. V.L.S. Fibre, Chennai-600 071.

ORDER:

With reference to the application dated 22.02.2016
received from you by this Office on 24.02.2019, the Advance
Ruling Authorities were clarified that rate on "Waste Cement
Bag Pulp" was taxable at 14.5% as a residual item (any goods
not specified in any of the Schedules) as per entry 69 of Part C
of the First Schedule to the TNVAT Act, 2006.

2. Aggrieved on the above clarification issued, Writ
Petition No. 16792 of 2019 was filed before the High Court of
Madras. On 18.09.2019, the Court disposed the above case
with direction as below:-

8. Accordingly, this writ petition is allowed and **the impugned order is set aside and the matter is remitted back to the respondent for reconsidering the whole issue on merits and in accordance with law after giving due opportunity of personal hearing to the petitioner.** Such exercise shall be done by the respondent within a period of four weeks from the date of receipt of a copy of this order.

9. At this juncture, learned counsel for the petitioner submitted that the petitioner may also be permitted to withdraw the application filed before the respondent, if he is so advised. **Since this Court is remitting the matter back to the respondent for fresh consideration, it is open to the petitioner to make such request for withdrawal before the respondent, while taking up the matter for fresh consideration and if any such request is made, it is open to the respondent to consider whether such request for withdrawal is maintainable or not and pass orders accordingly.** No costs. Consequently, connected miscellaneous petition is closed."

3. In representation dated 27.09.2019, you have stated that the relief sought in your application dated 22.02.2016 is relating to valuation of the product and the same is not covered under Section 48A of the TNVAT Act, 2006 and as the application has been made in-advertently, now permitted to withdraw the application dated 22.02.2016.

4. Following the Hon'ble High Court of Madras in their order dated 18.09.2019 passed in Writ Petition No. 16792 of 2019 set aside the ACAAR No. 119/2015-2016 (Acts Cell-II/4734/2016) dated 30.05.2018 and remitted back to the Authority for Clarification and Advance Ruling for fresh consideration after due opportunity of personal hearing. Accordingly, the issue was taken up for fresh consideration by the Committee along with the representation dated 27.09.2019 received from you for the withdrawal of application dated 22.02.2016 filed under Section 48A of the TNVAT Act, 2006.

5. The Original Clarification issued in ACAAR No. 119/2015-2016 (Acts Cell-II/4734/2016) dated 30.05.2018 has already been set aside by the Hon'ble High Court. Following the request made in the representation dated 27.09.2019 with a request to withdrawal of application dated 22.02.2016, the request is accepted by the Committee Members on the grounds that the application dated 22.02.2016 does not fall within the purview of the Section 48-A of the TNVAT Act, 2006.

6. Accordingly, the application in Form VV dated 22.02.2016 received under Section 48-A of the TNVAT Act, 2006, is now disposed of as "withdrawn". This order should not

be construed mean that the earlier clarification issued in proceedings dated 30.05.2018 is incorrect. The said proceedings should instead be treated as non-existent as it has been set aside by the Hon'ble High Court.

Dated this the 7th day of February 2020.

Sd/- C. Palani
Additional Commissioner(R&A)(FAC)

Sd/- K.Gnanasekaran
Additional Commissioner(P&P)

Sd/- M.A. Siddique,
Principal Secretary /
Commissioner of Commercial Taxes

To
Tvl. V.L.S. Fibre,
No.16, 3rd Cross Street,
Sriram Nagar, Paruthipattu (Village),
Kamaraj Nagar,
Chennai - 600 071 (By RPAD)

Copy to:

The Assistant Commissioner (ST), Avadi Assessment Circle

The Joint Commissioner (ST), Chennai (South) Division.

The Joint Commissioner (CS) To host in the Department Website

The Principal Secretary to Government, Commercial Taxes & Registration Department, Chennai - 9.

All Joint Commissioners (ST) including LTU and Intelligence.
All Deputy Commissioners (ST), Territorial, Assessment and Intelligence
All Head of Offices (Assessment)
The State Representative, Sales Tax Appellate Tribunal, Chennai- 104.
The Addl. State Representative, (AB) Chennai, Madurai and Coimbatore.
The Director, CTSTI, Greams Road, Chennai - 6.
The Executive Officer, Traders Welfare Board, Chennai - 5.
The Accountant General (Audit)-II, No.44, Greams Road, Chennai - 6.
The Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Commercial Tax Officers in PS/CCT's Office.
Personal Clerk to the PS/CCT.

Stock File 3/ Acts Cell-II /Spare - 5.

//forwarded / by order //


State Tax Officer