

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

ACAAR No.3/2021-22
VA6/LEG/03001/26/2022

Dated: 20.04.2022

- Present:**
- 1. Thiru K. Phanindra Reddy, I.A.S.,
Additional Chief Secretary/Commissioner of
Commercial Taxes, Chepauk,
Chennai-600 005.**
 - 2. Thiru K. Gnanasekaran,
Senior Additional Commissioner (ST),
Policy and Public Relations, Chepauk,
Chennai-600 005.**
 - 3. Thiru M. Parameswaran,
Additional Commissioner (ST),
Review, Appeal & Revision, Chepauk,
Chennai-600 005.**

ORDER:-

Sub:	TNVAT Act, 2006 - Authority for Clarification and Advance Ruling - Section 48-A seeking clarification for Rate of Tax on "Hybrid Cotton Seeds" - Personal Opportunity Granted - Called for Hearing on 08-04-2022 - Orders Passed - Reg.
Ref:	1. Application in Form VV dated 08.03.2022 received from Tvl. Sri Chakra Agencies, Attur on 10.03.2022.
	2. Hearing Intimation to the Applicant in VA6/LEG-03001/26/2022, dated 31.03.2022.
	3. Letter dated 06.04.2022 received from the Applicant.

1. Tvl. Sri Chakra Agencies, Attur (TIN No.33583141845), registered dealers in the files of Attur (Town) Assessment Circle, Salem Division have preferred application vide reference first cited in Form 'VV' and sought clarification under Section 48-A (1) of the Tamil Nadu Value Added Tax Act, 2006 (TNVAT Act, 2006), read with Rule 12-A of Tamil Nadu Value Added Tax Rules, 2007 (TNVAT Rules, 2007).

2. The applicant-dealers have requested the Authority for clarification for the rate of tax on **"Hybrid Cotton Seeds"**. The applicant

dealers have stated that though cotton seed is assigned with the botanical name as "**Gossypium Spp**", in common parlance, hybrid cotton seed is understood as "sowing seeds" and for the purpose of taxation under the TNVAT Act, 2006, the above said item "**Hybrid cotton seed**" is encompassed by the entry no.7 of Part B of IV Schedule to TNVAT Act, 2006 with effect from 01-01-2007 which is exempted under both TNVAT Act, 2006 on local sales and under the CST Act, 1956 on direct inter-state sales as the goods are generally exempted under Section 15 of the TNVAT Act, 2006.

3. In order to decide the issue raised by the Applicant, they were called upon for Personal Hearing on 08-04-2022 by way of an Intimation by this Authority vide reference second cited and the same was taken up on the said day @ 4.00 P.M.

4. During the Personal hearing, the applicant stated that the application filed in Form VV may kindly be permitted to be withdrawn as the subject matter has already been decided by the Commissioner of Commercial Taxes in VA6/LEG/03001/17/2021 (e-Office File No.433394/2021) dated 20-12-2021 under Section 28-A of TNGST Act, 1959.

5. The applicant also vide reference third cited filed a letter dated 06-04-2022 addressed to the Authority for Clarification and Advance Ruling, Chennai-5 stating that the subject matter is also one of the disputed points in the Writ Petition SR 342051/2022 on 31.03.2022 questioning the validity of the proceeding of the State Tax Officer, Attur (Town) in CST No.8869611 2013-14 dated 06.02.2020 on the ground that the proceedings of the State Tax officer is contrary to the Exemption Notification No. II(1) / CTR/30(a-2) 2007 (G.O. Ms. No. 79 CTR (82) dated 23.03.2007 and Clarification dated 20.12.2021 and also contrary to that of the principles laid down by the Honourable Madras High court in W.P. Nos. 4355/2007 and other cases dated 15.07.2021 (Appasamy Associates vs. Commissioner of Commercial Taxes, Chennai and others). It was also stated in the same letter that the present application may kindly be permitted to be withdrawn with grant of liberty to file fresh application as and when it is deemed to be necessary.

5) As per Section 48-A(2)(i) of TNVAT Act, 2006, no application shall be entertained where the question raised in the application is already pending before any appellate or revising authority of the department or Appellate Tribunal or any Court. Thus, the present application seeking clarification on rate of tax is not entertainable.

6. However, in view of filing of withdrawal letter by the Applicant, the question of deciding the applicable rate of tax on the sale of "Hybrid

Cotton Seeds" does not arise and therefore, as requested, the applicant is permitted to withdraw the application filed in Form VV seeking clarification under Section 48-A and thus the application filed is disposed accordingly.

Dated this 20th day of April 2022.

Sd/- M.Parameswaran
Additional Commissioner (RAR)

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

Sd/- K. Phanindra Reddy
Additional Chief Secretary/
Commissioner of Commercial Taxes

To,

Tvl. Sri Chakra Agencies,
52/K, Narayanasamy Street,
South Udayarpalayam,
Attur 636 102. **(BY RPAD)**

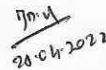
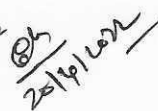
Copy to

1. The Joint Commissioner (ST), Salem Division, Salem.
2. The Commercial Tax Officer, Attur (Town) Assessment Circle.
3. The Joint Commissioner (CS), (To host in the Departmental website)
4. The Secretary to Government, Commercial Taxes and Registration Department, Chennai-600 009.

//Forwarded /By Order//

SF | SPare


Joint Commissioner (VAT and Audit)


20-04-2022

20/4/2022

