

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

**PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION AND
ADVANCE RULING**

ACAAR No.101/2015-16
Acts cell-II/36172/2015

Dated: 22.05.2018

- Present:**
1. Dr.T.V. Somanathan, I.A.S.,
Principal Secretary / Commissioner of Commercial Taxes.
 2. Thiru M. Parameswaran,
Additional Commissioner (ST), (Public Relations)(FAC)
 3. Dr. C. Palani,
Additional Commissioner (ST), (Revision Petitions)(FAC)

1	Name and address of the Applicant	:	Tvl.RMC Readymix (India), AC-26, SIDCO Industrial Estate, Thirumudivakkam, Chennai- 600 044.
2.	Registration Certificate No.	:	TIN No. 33120461891 CST No. 1001378
3.	Assessment Circle	:	Nungambakkam Assessment Circle
4.	Date of application	:	24.11.2015
5.	Date of receipt of application	:	26.11.2015
6.	Clarification sought for	:	Rate of tax on " Ready Mix Concrete for supply to SEZ, M/s.Estancia IT Park Pvt. Limited "
7.	Date of Personal Hearing	:	--
8.	Represented by	:	--

ORDER

Tvl. RMC Readymix (India), AC-26, SIDCO Industrial Estate, Thirumudivakkam, Chennai- 600 044 (TIN 33120461891), registered dealer in the files of Nungambakkam Assessment Circle have preferred application 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 the Tamil Nadu Value Added Tax Rules, 2007 (TNVAT Rules, 2007).

2. The applicant-dealers have sought for clarification for the rate of tax on **"Ready Mix Concrete for supply to SEZ, M/s. Estancia IT Park Pvt. Limited"**. They have also requested to clarify whether they can avail Input Tax Credit for raw material purchased to produce ready mix concrete for the above supply.

3. The issue has been examined in detail with reference to the provisions of the TNVAT Act, 2006 and TNVAT Rules, 2007 and the related entries in all the Schedules to the TNVAT Act, 2006. Section 48-A of the TNVAT Act, 2006 provides for clarification on any point concerned with rate of tax for commodities.

4.1. Section 18(1)(ii) of the TNVAT Act 2006 read with Notification No.II(1)CTR/58(h-14)/2006 (G.O. Ms. No.193 dated 30.12.2006) provides that there shall be an exemption in respect of sales tax payable by any dealer on the sale of any goods made by such dealer to a registered dealer for the purpose of setting up, operation, maintenance, manufacture, trading, production, processing, assembling, repairing, reconditioning, re-engineering, packaging, or for use as packing materials or packing accessories in an unit located in Madras Special Economic Zone (MEPZ), Tambaram, Chennai and other Special Economic Zone, in the State of Tamil Nadu notified by the Government of India or for development, operation and maintenance of Special Economic Zone by the developer of Special Economic Zone, if such registered dealer has been authorised to establish such units or such other establishments within the special economic zone or to develop, operate and maintain such Special Economic Zone by the authority specified by the Central Government, subject to the conditions that "the dealer shall obtain and furnishes certificate in the form appended in the Notification, declaring that the goods purchased are being used only for the purpose declared. The above notification is saved as provided under Section 88(3)(i) of the TNVAT Act 2006."

4.2. It was also clarified in ACAAR No.15/2014-15 dated 22.06.2015 in Acts Cell-II /13885/2015 and ACAAR No. 16/2014-15, dated 22.06.2015 in Acts Cell-II/13886/2015 that sale of Electrical goods for the execution of Works contract in SEZ unit is exempt from tax as per terms and conditions laid down in G.O. Ms.No.193 dated 30.12.2006.

5. In view of the above, it is clarified that **"Supply of Ready Mix Concrete to SEZ"** is exempted from tax as per the terms and conditions laid down in G.O. Ms.No.193 dated 30.12.2006.

Dated this the twenty second day of May 2018.

Sd/- M. Parameswaran,
Additional Commissioner (PR)(FAC)

Sd/- C. Palani,
Additional Commissioner (RP) (FAC)

Sd/- T.V. Somanathan,
Principal Secretary/
Commissioner of Commercial Taxes

To

Tvl.RMC Readymix (India),
AC- 26, SIDCO Industrial Estate,
Thirumudivakkam,
Chennai- 600 044.

Copy to:

The Assistant Commissioner (ST),
Nungambakkam Assessment Circle.

The Joint Commissioner (ST),
Chennai (Central) 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 Enforcement, LTU, MOU and ISIC.

All Deputy Commissioners (ST), Territorial, Assessment and Enforcement

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 CCT's Office.

Personal Clerk to the CCT.

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

//forwarded / by order//

[Handwritten Signature]
State Tax Officer 24/5/18
24/5/18