

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

**ACAAR No. 104/2014-15.**  
**Acts cell – II/38488/2014**

Dated 26.05.2015

- Present:**
1. Thiru. K.Rajaraman, I.A.S.,  
Principal Secretary & Commissioner of Commercial  
Taxes.
  2. Thiru. R.Vayanaperumal,  
Additional Commissioner (CT), (Public Relations)
  3. Thiru. K.Mahalingam,  
Additional Commissioner (CT), (Revision Petitions)

1	Name and address of the Applicant	:	Tvl. Lotus Wireless Technologies India Pvt. Ltd., New No.8, Old No.28, Rangarajulu Street, Ayyavu Colony, Aminjikai, Chennai – 600 029.
2.	Registration Certificate No.	:	TIN No.33291484129 CST No.1065509
2.	Date of application	:	12.12.2014
3.	Date of receipt of application	:	16.12.2014
4.	Clarification sought for	:	Sale of Electrical equipments to TANGEDCO through Vendor
5.	Date of Personal Hearing	:	Not requested
6.	Represented by	:	-

**ORDER**

Tvl. Lotus Wireless Technologies India Pvt. Ltd., New No.8, Old No.28, Rangarajulu Street, Ayyavu Colony, Aminjikai, Chennai – 600 029 (TIN:33291484129), the registered dealers in the files of MMDA Colony Assessment Circle have preferred application in Form 'VV' and sought clarification under Section 48-A (1) of the TNVAT Act, 2006, read with Rule 12-A of TNVAT Rules, 2007.

2. The applicant-dealers have sought for clarification on the following:

**Sale of Electrical equipments to TANGEDCO through Vendor**

3.1. The applicant-dealers are supplying materials to TANGEDCO through the main vendor M/s.Ashoka Buildcon Limited (TIN:33811304199). The main vendor M/s.Ashoka Buildcon Limited charging VAT @ 5% to TANGEDCO as per G.O.Ms.No.77, Commercial Taxes and Registration (B2) Department, dated 11.07.2011.

3.2. The applicant-dealers have sought for clarification whether Tvl. Lotus Wireless Technologies India Pvt. Ltd., Chennai-600 029 are eligible to charge VAT at 5% rate as per G.O.Ms.No.77, Commercial Taxes and Registration (B2) Department, dated 11.07.2011 or at the applicable rate as per the commodity sold.

3.3. The issue has been examined in detail with reference to the provisions of the TNVAT Act, 2006 and Rules, 2007; and as per G.O.Ms.No.77, Commercial Taxes and Registration (B2) Department, dated 11.07.2011, the reduced rate of 5% is available to the Vendors who are directly selling goods to TNEB, TANGEDCO, TANTRANSCO, NLC , etc..

3.4. In this issue, if the applicant-dealers are selling their goods through vendor, the applicant-dealers are not eligible to avail the reduced rate of tax as per G.O.Ms.No.77, Commercial Taxes and Registration (B2) Department, dated 11.07.2011. The clarification is given accordingly as under.

3.5. The clarification, therefore, is that, for "**Sale of Electrical equipments to TANGEDCO through Vendor**", the applicant-dealers are not eligible to avail the reduced rate of tax at 5% as per G.O.Ms.No.77, Commercial Taxes and Registration (B2) Department, dated 11.07.2011.

Dated this the 26<sup>th</sup> day of May, 2015.

Sd/- R. Vayanaperumal,  
Additional Commissioner (PR)

Sd/- K. Mahalingam,  
Additional Commissioner (RP)

Sd/- K. Rajaraman,  
Principal Secretary/  
Commissioner of Commercial Taxes

To  
Tvl. Lotus Wireless Technologies India Pvt. Ltd.,  
New No.8, Old No.28,  
Rangarajulu Street,  
Ayyavu Colony,  
Aminjikai,  
Chennai – 600 029.

Copy to:  
The Assistant Commissioner (CT)  
MMDA Colony Assessment Circle.

The Joint Commissioner (CT),  
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 (CT) including Enforcement, LTU, MOU and ISIC.

All Deputy Commissioners (CT), 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 File3 / Acts Cell-II / Spare - 5.

/Forwarded/By order/

  
27/5/15  
Additional Commissioner (RP)