

**GOVERNMENT OF TAMILNADU  
COMMERCIAL TAXES DEPARTMENT**

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

**ACAAR No. 105/2014-15**  
**Acts cell – II/38614/2014**

Dated:31.07.2015

- 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. KGS Nelsun Paper Mill Ltd, No. 63, Kamaraj avenue, 1 <sup>st</sup> Street, Adyar, Chennai-600 020.
2.	Registration Certificate No.	:	TIN: 33080863105/ CST:843408
3.	Date of application	:	18.12.2014
4.	Date of receipt of application	:	18.12.2014
5.	Clarification sought for	:	<b>"Reversal of ITC on Kraft Papers under provision to sec.19(2)(v) on inter-state sales of Kraft Paper manufactured and sold on inter-state sales"</b>
6.	Date of Personal Hearing	:	-----
7.	Represented by	:	-----

**ORDER**

Tvl. KGS Nelsun Paper Mill Ltd, No. 63, Kamaraj avenue, 1<sup>st</sup> Street, Adyar, Chennai-600 020, (TIN: 33080863105), the manufacturer of Kraft paper used for Cartoon boxes and in Packing Industries, in the files of Kotturpuram Assessment Circle, Chennai 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:

**"Reversal of ITC on Kraft Papers under provision to sec. 19(2)(v) on inter-state sales of Kraft Paper manufactured and sold on inter-state sales "**

3. It has already been clarified in ACAAR No.139/2013-14 (Acts Cell- II/9475/2014) dated 02.09.2014 as,

"It is concluded that the application is not concerned with the rate of tax, i.e., the relative charge to tax as imposed under section 3(2) read with section 3(3) of the TNVAT Act, 2006. Therefore the application sought for clarification concerned with the rate of input tax credit eligible to be availed under section 19(2) (ii) read with section 19 (2) (v) and the applicability of the restriction imposed upon by the proviso to section 19(2)(v) in relation with their sale of *goods manufactured*, in the course of interstate trade or commerce. Hence it is adjudged as "not maintainable" under section 48-A of the TNVAT Act, 2006."

4. It is therefore reiterated that

The clarification sought for here by the applicant-dealers is not concerned with the rate of tax but is concerned with the methodology provided for claim and adjustment of input tax credit on certain eligibility criteria imposed under section 19(2) of the Act. 2006.

5. Therefore, the application **is not maintainable** under section 48-A of the TNVAT Act, 2006.

The application stands disposed as **"not maintainable"**

Dated this the Thirty First day of July 2015.

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

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

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

To  
Tvl. KGS Nelsun Paper Mill Ltd,  
No. 63, Kamaraj avenue,  
1<sup>st</sup> Street,  
Adyar,  
Chennai-600 020



Copy to:

The Assistant Commissioner (CT)  
Kotturpuram Assessment Circle

The Joint Commissioner (CT),  
Chennai (East) 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 File 3/ Acts Cell-II /Spare - 5.

//Forwarded/By order//

  
Commercial Tax Officer