

PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION AND ADVANCE RULING		
ACAAR No. 120/ 2013-14. (Acts Cell – II/6501/2014)		Dated 23.10.2014
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. Unicom Infotel (P) Limited, GF1- 'A' Block, Pioneer Apartments No.1075, Avinashi Road, Coimbatore – 641 018
2.	Registration Certificate No.	: TIN:33181781640 / CST:268740
3.	Date of application	: 20.02.2014
4.	Date of receipt of application	: 24.02.2014
5.	Clarification sought for	: Rate of Tax on "Duplicating Ink" for Digital Duplicators.
6.	Date of Personal Hearing	: 14.10.2014
7.	Represented by	: Thiru. S.Anandhan, Regional Business Manager & Authorized Representative

ORDER

Tvl Unicom Infotel (P) Limited, at GF1- 'A' Block, Pioneer Apartments, No.1075, Avinashi Road, Coimbatore – 18, (TIN:33181781640), the registered dealers in Office Automation Equipments, such as Digital Duplicator, Digital copier, Communication Equipments and Computers, in the files of Avinashi Road Assessment Circle, Coimbatore, have preferred application in Form 'VV' and sought for 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:

Rate of tax on "**Duplicating Ink**" for Digital Duplicator.

3. The applicant-dealers have sought for personal hearing. The Authority for Clarification and Advance Ruling has provided the opportunity of personal hearing on 14.10.2014. The applicant-dealers were informed in writing to appear before the Authority on 14.10.2014. Thiru. S.Anandhan, Regional Business Manager & Authorized Representative of the applicant-dealers has represented the applicant-dealers before the Authority on 14.10.2014 and placed his arguments for and on behalf of the applicant-dealers. The applicant-dealer has stated that they are not clear about VAT on "Duplicating Ink" for the Digital Duplicators; but currently charging VAT @ 14.5% on the sale of the same. Since one of their customers have questioned about the rate of VAT charged by them on sale of Duplicating Ink, they are in position to seek clarification regarding the rate of tax on Duplicating Ink. The Authorized Representative of the Applicant-dealers has furnished a brochure on the Master Roll and shown a sample piece explaining that the Duplicating Ink is nothing but the Soya Oil based* printing ink in bottles, used as consumable in RISO Digital Duplicators. He has also stated that they hope the rate of tax for Duplicating Ink would be @ 5 % classifying the Duplicating Ink as a kind of Printing ink. Finally, he has prayed that the appropriate rate of tax in respect of Duplicating Ink for Digital Duplicators may be clarified.

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

5. The applicant-dealers have sought for clarification regarding rate of tax on "**Duplicating Ink**" for Digital Duplicator.

6. There is no specific Entry in any of the Parts of First and Fourth Schedules to the TNVAT Act, 2006, with the description, "Duplicating Ink". However, there is a relative Entry 26 in Part-C of First Schedule to the TNVAT Act, 2006, which reads as extracted below:

Duplicating machines, photo copying machines, reprographic copiers including roneo machines, including duplicators and any other apparatus for obtaining duplicate copies, parts and accessories thereof, ribbons, plates used therewith.

The "Duplicating Ink" for RISO Digital Duplicator, though being claimed to be classifiable under Printing ink paper, is specially manufactured to use only in the Digital Duplicators. The "Duplicating Ink" would therefore fall within the scope and meaning of the expression, "**parts and accessories thereof, ribbons, plates used therewith**", employed in the Entry 26 of Part-C of First Schedule to the TNVAT Act, 2006. Thus the 'Duplicating Ink' bears the eligibility to be classifiable as an accessory to the digital Duplicator, taxable at 14.5 % under the said Entry 26 of Part-C of First Schedule to the TNVAT Act, 2006.

7. The clarification is therefore that the **"Duplicating Ink" for Digital Duplicator is taxable @ 14.5 % as part and accessory of Digital Duplicating machines under Entry 26 of Part-C of First Schedule** to the TNVAT Act, 2006.

Dated this, the 23rd Day of October, 2014.

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

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

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

To

Tvl. Unicom Infotel (P) Limited,
GF1- 'A' Block, Pioneer Apartments
No.1075, Avinashi Road,
Coimbatore - 641 018

Copy to

The Assistant Commissioner (CT)
Avinashi Road Assessment Circle

The Joint Commissioner (CT),
Coimbatore 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.

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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//


Additional Commissioner (PR)