

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.18/2016-2017
Acts cell-II/13471/2016

Dated: 30.05.2018

- 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.Meridian Arts, No.37/46, Selva Vinayagar Street, Seni Amman Koil Street, Tondiarpet, Chennai-600 081.
2.	Registration Certificate No.	:	TIN : 33361203227 CST : 959983
3.	Assessment Circle	:	Tondiarpet Assessment Circle
4.	Date of application	:	NIL
5.	Date of receipt of application	:	27.05.2016
6.	Clarification sought for	:	Non-Liability of TDS on Sale of Printed Materials
7.	Date of Personal Hearing	:	--
8.	Represented by	:	--

ORDER

Tvl.Meridian Arts, No.37/46, Selva Vinayagar Street, Seni Amman Koil Street, Tondiarpet, Chennai-600 081 (TIN 33361203227), registered dealer in the files of Sowcarpet 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).

2.1. The applicant-dealers have sought for clarification on **"Non-Liability of TDS on the sale of Printed Materials"**.

2.2. The applicant-dealers have stated that though they are raising invoice by charging appropriate rate of tax for executing the printing work, their customer bankers (HDFC Bank) are effecting deduction of TDS from the Bill amount. They further stated that as it is purely sales, it will not attract the deduction of TDS as per Section 13 of the TNVAT Act, 2006. They have also stated that they are not being a works contractor, not in a position to apply for Form S certificate before the assessing officer and therefore seek legal stand as to whether the deduction of TDS is required on their Sales.

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. The applicant-dealer have sought for clarification regarding the Non-liability of Tax Deduction at Source on the sale of Printed Materials and not on the rate of tax for a commodity that are dealt by them in the regular course of business. The clarification sought by the applicant-dealer is not within the purview of the Authority for Clarification and Advance Ruling as it dealt about Section 13 of the TNVAT Act, 2006 that dealt about Tax Deduction at Source in the case of Works Contract by the Contractee in respect of total contract value for a single contract exceeding Rs.1 lakh. What was requested by the dealer applicant is transaction based and also requires examination of the fact whether the said transaction falls under the Sales Category or Deemed Sales Category like works contract, leasing etc.,. These subjects are not within the ambit of the Authority for Clarification and Advance Ruling constituted under Section 48-A of the TNVAT Act, 2006.

6. In view of the above, it is clarified that the request for clarification on **"Non-Liability of TDS on the sale of Printed Materials"** being a transaction based with reference to Section 13 of the TNVAT Act, 2006 and not being in the nature of commodity, is not capable of compliance and therefore the application stands disposed as **Not Entertainable**.

Dated this the thirtieth day of May 2018.

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

AC)

Sd/- C. Palani,
Additional Commissioner (RF)

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

To

Tvl.Meridian Arts,
No.37/46, Selva Vinayagar Street,
Seni Amman Koil Street, Tondiarpet,
Chennai-600 081.

Copy to:
The Assistant Commissioner (ST),
Tondiarpet Assessment Circle.

The Joint Commissioner (ST),
Chennai (North) 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//


State Tax Officer
21/2/18
315B