

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.23/2014-15.
Acts cell-II/16823/2014

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. Dana India Private Limited, Panrutti Village, Walajah Road, Oragadam, Kancheepuram Dt.
2.	Registration Certificate No.	:	TIN.No.33961666914 CST. 1049733
3.	Assessment Circle	:	Sriperumbudur Assessment Circle,
4.	Date of application	:	---
5.	Date of receipt of application	:	27.05.2014
6.	Clarification sought for	:	Rate of Tax on "Auto Parts - Manufacturers are entitled to avail full ITC on sales falling under section 8(1) of CST Act 1956"
7.	Date of Personal Hearing	:	Personal Hearing not requested
8.	Represented by	:	---

ORDER

Tvl. Dana India Pvt. Ltd., Kancheepuram (TIN.No. 33961666914), the registered dealers in the files of Sriperumbudur 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: Rate of tax on sale of "**Auto Parts - Manufacturers are entitled to avail full ITC on sales falling under section 8(1) of CST Act 1956**".

3. The applicant-dealer stated that they are the major supplier of auto components to renowned truck and car manufacturers like Ashok Leyland and others. They are also making inter-state sale. So far ITC on the inter-state sales falling under section 8(1) of CST Act 1956, was allowed in full without any restriction and as per section 19(2) (v) of the TNVAT Act 2006 and imposed certain conditions on availing of ITC in respect of the transaction falling under section 8(1) of CST Act 1956. As per the amended Act 28 of 2013 ITC on the sales covered by C Form had to be reversed to the extent of 3% and any credit above 3% shall alone be eligible. The applicant-dealer has pleaded for clarification whether after the introduction of Act 28 of 2013 applicable to the seller of goods and not to the manufacturer. Further the dealer also pleaded to clarify whether the Manufacturers are entitled to avail full ITC on sales falling under section 8(1) of CST Act 1956, without any restriction.

4. The application is not concerned with the rate of tax on Auto parts. But is related to the applicability of the reversal of ITC on Interstate Sale of Auto parts manufactured as provided in 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 the application is adjudged as "not entertainable" under section 48-A of the TNVAT Act, 2006."

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

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

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. Dana India Private Limited,
Panrutti Village,
Walajah Road, Oragadam,

Kancheepuram Dt.

Copy to:

The Assistant Commissioner (CT)
Sriperumbudur Assessment Circle

The Joint Commissioner (CT),
Chennai (South) 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, Greaves Road, Chennai - 6.

The Executive Officer, Traders Welfare Board, Chennai - 5.

The Accountant General (Audit)-II, No.44, Greaves 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//


38/15
Commercial Tax Officer