

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.31/2015-16
Acts cell-II/16660/2015

Dated:24.03.2016

- Present:**
- 1.Thiru. S.K.Prabakar, I.A.S.,
Principal Secretary / Commissioner of Commercial Taxes.
 - 2.Thiru. A.Sarvar Allam,
Additional Commissioner (CT), (Public Relations)(FAC)
 - 3.Thiru. K. Mahalingam,
Additional Commissioner (CT), (Revision Petitions)

1	Name and address of the Applicant	:	Tvl. Rasi Enterprises, 9/60B/AyaKoil main Road, Anaikattipalayam, Andagalur Gate Post, Rasipuram Taluk. Pin:637401
2.	Registration Certificate No.	:	TIN.No.33033162275 CST.675958
3.	Assessment Circle	:	Rasipuram Assessment Circle
4.	Date of application	:	25-05-2015
5.	Date of receipt of application	:	25-05-2015
6.	Clarification sought for	:	Rate of Tax on " Palm Nut Shell powder "
7.	Date of Personal Hearing	:	---
8.	Represented by	:	---

ORDER

Tvl. Rasi Enterprises., Namakkal (TIN.No. 33033162275), registered dealers in the files of Rasipuram 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 Tamil Nadu Value Added Tax Rules, 2007 (TNVAT Rules, 2007).

2.1. The applicant-dealers have stated that the "**Palm Nut Shell powder**" is being used as raw material for the production of 'Mosquito-Repellent Coils'. The applicant dealers submitted a copy of the clarification issued by the then Spl. Commissioner and Commissioner of Commercial Taxes in D.Dis. Acts Cell II/43431/05 dated 04.10.2006 (Clarification No. 128/06) wherein 'Palm Nut Husk powder' has been clarified as exempt from tax liability under entry at SI.No.45 (i) of Part-B of Third Schedule to the erstwhile TNGST Act, 1956.

3. The issue has been examined in detail with reference to the provisions of TNVAT Act, 2006 and Rules 2007 and the relative entries regarding the commodities classified under the First and Fourth Schedule 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.

4.1. The applicant dealers have sought for clarification on rate of tax for "Palm Nut Shell powder". Entry 61(i) of Part-B of Fourth Schedule to the TNVAT, 2006 read as follows:-

"Products of palm industry other than those listed in the First Schedule and of article such as baskets, mats, brushes, fans manufactured out of palm leaves, coconut leaves and date leaves and thatti, koodai, muram and other products made of bamboo or cane, palmyrah fibres and stalks, dry leaves (manthara leaves, coconut thatches, korai grass and korai mats, coir coir dusts, coir fibre, coir rope and coir husk(excluding coir products), deccan hemp fibre (excluding deccan hemp products), broomstick and thonnai."

Palm Nut Shell powder dealt by the applicant does not fall in any of the specific entries of First Schedule to TNVAT Act, 2006. Therefore "Palm Nut Shell powder" which is a product of palm

industry would fall under the above Entry 61(i) of Part-B of Fourth Schedule to the TNVAT, 2006 exempted from levy of VAT.

5. In view of the above discussion, this Committee clarifies that **"Palm Nut Shell Powder" falls under Entry 61(i) of Part-B of Fourth Schedule to the TNVAT Act, 2006, and hence eligible for exemption.**

Dated this the Twenty Fourth day of March 2016.

Sd/- A. Sarvar Allam,
Additional Commissioner (PR)(FAC)

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

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

To
Tvl. Rasi Enterprises,
9/60B/AyaKoil main Road,
Anaikattipalayam,
Andagalur Gate Post,
Rasipuram Taluk. Pin:637401

Copy to:
The Assistant Commissioner (CT)
Rasipuram Assessment Circle

The Joint Commissioner (CT),
Salem 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, 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//


Additional Commissioner (PR)(FAC)