

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.32/2016-17
Acts cell-II/20510/2016

Dated:30.12.2016

- Present:** 1.Dr.C.Chandramouli, I.A.S.,
Additional Chief 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. Vaighai Agro Products Limited, No.39 B Vaighai House, Anna Nagar, Madurai - 625 020
2.	Registration Certificate No.	:	TIN.No. 33424883859 CST No. 169048
3.	Assessment Circle	:	Tallakulam Assessment Circle
4.	Date of application	:	25-07-2016
5.	Date of receipt of application	:	29-07-2016
6.	Clarification sought for	:	Rate of tax on " de-oiled cake "
7.	Date of Personal Hearing	:	26-10-2016
8.	Represented by	:	Thiru. S. Karunakaran, Advocate

ORDER

Tvl. Vaighai Agro Products Limited, No.39 B Vaighai House, Anna Nagar, Madurai - 625 020 (TIN.No. 33424883859), registered dealers in the files of Tallakulam 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 requested the Authority for clarification on rate of tax on **de-oiled cake**. The applicant-dealer have stated that they purchase "Copra Expeller Cake" from coconut oil expelling unit, and this Copra expeller cake has some resided oil and they extract it through solvent extract process. Subsequently this de-oiled copra is sold to animal feed producers/dealers.

2.2. The applicant-dealers have contended that there are two entries exist for copra cake in the TNVAT Schedules one under Entry 5 of Part-B of Fourth Schedule and another under Entry 66 of Part-B of Fourth Schedule to the TNVAT act, 2006 and requested to clarify as to under which Entry the Copra Expeller Cake purchased by them from local registered dealers would fall.

3. The applicant-dealers sought for personal hearing and accordingly they were heard on 26.10.2016. Thiru. S. Karunakaran, Advocate and Counsel of the applicant-dealers appeared for the hearing and filed written statements along with documentary evidences.

4. Entry 5 of Part-B of Fourth Schedule to TNVAT Act reads as follows:

"Aquatic feed, poultry feed, cattle feed and animal feed including supplement concentrates and additives, wheat bran, de-oiled cake, grass, hay and straw"

Entry 66 of Part-B of Fourth Schedule to TNVAT Act reads as follows:

"Sale of oil cakes including de-oiled cakes by any dealer whose total turnover on the sales of these goods does not exceed rupees five hundred crores per year"

In Entry 5, de-oiled cake is enumerated under inclusive definition for aquatic feed, poultry feed, cattle feed and animal feed, whereas, the commodity is enumerated generally under Entry 66.

5. In view of the above clear distinction between the Entries 5 and 66 of Part-B of Fourth Schedule to TNVAT Act, it is clarified that if de-oiled cake is sold as aquatic feed, poultry feed, cattle feed and animal feed, it would fall under Entry 5 of Part-B of Fourth Schedule

to TNVAT Act and if the commodity is sold generally, it would fall under Entry 66 of Part-B of Fourth Schedule to TNVAT Act, eligible for exemption in any case.

Dated this the Thirtieth day of December 2016.

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

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

Sd/- Dr.C. Chandramouli, I.A.S
Additional Chief Secretary/
Commissioner of Commercial Taxes

To
Tvl. Vaighai Agro Products Limited,
No.39 B Vaighai House,
Anna Nagar,
Madurai - 625 020

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

The Joint Commissioner (CT),
Madurai 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//

[Handwritten Signature]
4-1-17
Commercial Tax Officer