

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.46/2015-16
Acts cell-II/19563/2015

Dated:29.04.2016

- Present:** 1.Thiru. S.K.Prabhakar, 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. Automag Industries, No.TS.62 Duraisamy Street, Visalakshi Nagar, Ekkattuthangal, Chennai - 600 032
2.	Registration Certificate No.	:	TIN.No.33590900800 CST. No. 49446
3.	Assessment Circle	:	Ekkattuthangal Assessment Circle
4.	Date of application	:	22-06-2015
5.	Date of receipt of application	:	22-06-2015
6.	Clarification sought for	:	Rate of Tax on " Agricultural Portable Pump set "
7.	Date of Personal Hearing	:	---
8.	Represented by	:	---

ORDER

Tvl. Automag Industries., Chennai - 600 032 (TIN.No. 33590900800), registered dealers in the files of Ekkattuthangal 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 they are engaged in manufacturing and assembling of Portable agricultural pump sets used for lifting ground water less than 8 meters. The pump set has various functional blocks viz., petrol-kerosene/diesel engine motor, pump and its components. These all components united together with a common single shaft and thus called as **monoblock pump sets**. The applicant-dealers cited the earlier Proceedings of the authority for Clarification and advance ruling vide Common Order in A.C.A.A.R. No.94/2013-14, A.C.A.A.R. No.100 to 103/2013-2014 dated 13.03.2014 that "Centrifugal and Monoblock pumpsets" would fall under Entry 26(a) in Part-B of First schedule and are liable to tax at 5%. In the above said circumstances, the applicant-dealers have pleaded the Authority for Clarification and Advance Ruling to clarify that their **Agricultural Portable Pumpsets** marketed in the name viz., Ability A12, Ability AK12, Ability AK200, Ability AK25 may also be liable to tax at 5%.

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.

3.2. The applicant dealer had sought for clarification regarding rate of tax on "Agricultural Portable Pump sets". The "Agricultural Portable Pump sets" is used primarily in Agricultural water handling and can be easily carried to any location because of its compact size. The Agricultural Portable

Pump sets are marketed by the applicant-dealers in the brand name viz., Ability A12, Ability AK12, Ability AK200, Ability AK25. The Portable pump sets can be of various types such as Mono Block, Coupled pump, High Head Pump, Self Priming pump, jet pump, Diesel pump etc.,. The brochure supplied by the applicant-dealers reveals that the Horse power capacities for their Agricultural portable pump sets viz., Ability A12 (1.5 H.P), Ability AK12 (1.5 H.P), Ability AK200 (2 H.P), Ability AK25 (3 H.P) respectively. The Horse power capacity for the agricultural portable pump sets manufactured by the applicant-dealers lies in the range between 1.5 HP to 3 HP for their various products viz., Ability A12, Ability AK12, Ability AK200, Ability AK25.

4. In view of the above discussion, this Committee clarifies that **any "Agricultural Portable Pump sets" manufactured by the applicant-dealers, which has Horse Power capacity less than 10 H.P are liable to tax at 5% as under Entry 26(b) with the description "pump sets upto 10 H.P and their parts thereof" in Part-B of First schedule to the TNVAT Act, 2006.**

Dated this the Twenty Ninth day of April 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. Automag Industries,
No.TS.62 Duraisamy Street,
Visalakshi Nagar,
Ekkattuthangal,
Chennai – 600 032

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

The Joint Commissioner (CT), Chennai (East) 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//

K. V. Narayan
7/6/6
Commercial Tax Officer