

PROCEEDINGS OF THE
AUTHORITY FOR CLARIFICATION AND ADVANCE RULING

ACAAR No. 50/2014-15
Acts cell – II/23013/2014

Dated: 27.01.2015

- 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. Himalaya Paints, 131, Pillaiyar Koil Street, Nallathur PO, Cuddalore – 605106.
2.	Registration Certificate No.	:	TIN: 33294402471/ CST:383067
3.	Date of application	:	21.07.2014
4.	Date of receipt of application	:	21.07.2014
5.	Clarification sought for	:	Rate of tax on " Primers "
6.	Date of Personal Hearing	:	-----
7.	Represented by	:	-----

ORDER

Tvl. Himalaya Paints, 131, Pillaiyar Koil Street, Nallathur PO, Cuddalore – 605106, (TIN: 33294402471), the manufacturer of Primers, in the files of Cuddalore Assessment Circle, Cuddalore 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 for "**Primers**"

3. It has already been clarified in Review order ACAAR No.85/2012-13 (Acts Cell- II/26873/2013) dated 23.10.2014 that "**Primers**" are taxable as follows:

- (i) "**Primers of all kinds**", are generally taxable at 5% on sale either by the manufacturers or by the traders under Entry 67-A (ad)(iv) of Part-B of First Schedule to the TNVAT Act, 2006, irrespective of the fact whether it is sold as industrial inputs or otherwise.
- (ii) In consequent to this, **the earlier clarification advanced in ACAAR No. 85/201-13 dated 14.02.2013 is cancelled.**

4. Section 48-A(3) reads as extracted below:

"The order of the Authority shall be binding, -

- (i) on the applicant, who has sought for the clarification or advance ruling;
- (ii) in respect of the goods in relation to which the clarification or advance ruling was sought; and
- (iii) on all the officers working under the control of the Commissioner of Commercial Taxes".

Thus it is evident from clause (ii) of section 48-A(3), the clarification once advanced in respect of the Rate of tax for a specific commodity or a class of commodities is applicable to all those dealers who are happened to be the manufacturers, importers and traders in the line of business of such commodity or class of commodities. Since the Applicant-dealers herein also dealing in Primers, the clarification in ACAAR No.85/2012-13 (Acts Cell - II/26873/2013) dated 23.10.2014 is applicable to them also.

5. It is therefore reiterated that "**Primers**" are taxable as follows:

- (iii) "**Primers of all kinds**", are generally taxable at 5% on sale either by the manufacturers or by the traders

under Entry 67-A (ad)(iv) of Part-B of First Schedule to the TNVAT Act, 2006, irrespective of the fact whether it is sold as industrial inputs or otherwise.

- (ii) In consequent to this, **the earlier clarification advanced in ACAAR No. 85/201-13 dated 14.02.2013 is cancelled.**

Dated this the 27th day of January, 2015.

Sd/- R. Vayanaperumal,
Additional Commissioner (PR)

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

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

To
Tvl. Himalaya Paints,
131, Pillaiyar Koil Street,
Nallathur PO,
Cuddalore - 605106.

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

The Joint Commissioner (CT),
Vellore 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 File3 / Acts Cell-II / Spare - 5.

//Forwarded/By order//


Additional Commissioner (PR)