

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.52/2016-17
(Acts Cell-II/33218/2016)

Dated:19.04.2017

- 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. Gnanasekaran,
Additional Commissioner (CT), (Revision Petitions)(FAC)

1	Name and address of the Applicant	:	Tvl. Indo International Fertilizers Limited, C-10, Sipcot Industrial Complex, Kudikadu Village, Cuddalore - 607 005, Tamilnadu
2.	Registration Certificate No.	:	TIN.No. 33874403316, CST No. 383434
3.	Assessment Circle	:	Cuddalore Assessment Circle
4.	Date of application	:	--
5.	Date of receipt of application	:	29-11-2016
6.	Clarification sought for	:	Rate of tax on " Amount realised by Indo International Fertilizers Limited (IIFL) by way of sale of factory as a whole along with land and sale "
7.	Date of Personal Hearing	:	--
8.	Represented by	:	--

ORDER

Tvl. Indo International Fertilizers Limited, C-10, Sipcot Industrial Complex, Kudikadu Village, Cuddalore - 607005 (TIN.No.33874403316), registered dealers in the files of Cuddalore

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) on the rate of tax applicable on **"Any amount realised by Indo International Fertilizers Limited (IIFL) by way of sale of factory as a whole along with land and sale"**.

2.1. The applicant-dealers have stated that they are inter alia manufacturer of Central Excise goods. They have entered into a Binding sale agreement with M/s.Crimsun Organics Pvt Ltd. for the sale of ownership and control of factory premises. It is also informed that the applicant-dealers had availed Input Tax Credit as per TNVAT Act on the capital goods installed in their factory, from time to time, in accordance with the provisions of TNVAT Act, 2006 and Rules framed there under. In the above stated circumstances, the applicant-dealers would like to get clarification on whether they are required to pay any output VAT on the used machineries installed in the factory, after possession of the factory is given to the transferee.

3. Under Sec. 48-A of TNVAT Act, this committee can clarify any point concerning rate of tax of commodities only. Here, the applicants have sought clarification on the tax liability of a transaction. No clarification can be issued on the nature and tax liability of a transaction of assessee under the above Section, as it involves appreciation of facts and law involved in the transaction. Therefore, this application is not maintainable under Sec. 48-A of TNVAT Act and hence this application is rejected as not maintainable.

Dated this the Nineteenth day of April 2017.

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

Sd/- K. Gnanasekaran,
Additional Commissioner (RP) (FAC)

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

To,
 Tvl. Indo International Fertilizers Limited,
 C-10, Sipcot Industrial Complex,
 Kudikadu Village,
 Cuddalore - 607 005.

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

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//

U.S. Narayan
 Commercial Tax Officer