

**GOVERNMENT OF TAMILNADU  
COMMERCIAL TAXES DEPARTMENT**

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

**ACAAR No.56/2016-17**  
**Acts cell-II/23351/2016**

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.SIMA Cotton Development & Research Association, 41, Race Course, Coimbatore - 641 018
2.	Registration Certificate No.	:	TIN.No. 33481880124 CST No:554836
3.	Assessment Circle	:	Trichy Road Assessment Circle
4.	Date of application	:	24-06-2015
5.	Date of receipt of application	:	24-06-2015
6.	Clarification sought for	:	Rate of tax on " <b>Portable Battery Operated Kapas Plucking Machine</b> "
7.	Date of Personal Hearing	:	26-10-2016
8.	Represented by	:	Thiru. N. Thiru. V. Regurajan, Deputy Secretary General

**ORDER**

Tvl. SIMA Cotton Development & Research Association, 41, Race Course, Coimbatore - 641 018 (TIN.No. 33481880124), registered dealers in the files of Trichy Road 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 **"Portable Battery Operated Kapas Plucking Machine"**.

2. The applicant-dealers sought for personal hearing and accordingly they were heard on 26.10.2016. Thiru. V. Regurajan, Deputy Secretary General of the Association appeared for the hearing and explained about the special features of the product. He contended with supportive documentary evidence that the above product is a mechanized agricultural implement and therefore eligible for exemption under the S.No.1.(ii) of Part-B of Fourth Schedule to TNVAT Act, 2006.

3.1 This committee considered the above application and the documents filed along with the application carefully and examined the issue with reference to the Schedules and provisions of TNVAT Act, 2006, Rules made thereunder and notifications issued under the Act. The contentions made by the learned representative for the applicants at the time of personal hearing were also examined thoroughly.

3.2. Entry 1(ii) of Part-B of Fourth Schedule to TNVAT Act, 2006 reads as follows:

"Agricultural implements other than those specified in Item(i) above and those powered or operated by tractors or by power tillers as notified by the Government and their parts and accessories."

3.3. The Government have notified 19 items as agricultural implements not operated manually or not driven by animal under the above Entry in Notn.No.II(1)/CTR/12(a-13)/2012 published in G.O.Ms.No.50 CT&R,(B1) dt.27.03.2012. **"Portable Battery**

**Operated Kapas Plucking Machine**" dealt by the applicants is not specifically enumerated in this list of agricultural implements. Unless the product "**Portable Battery Operated Kapas Plucking Machine**" dealt by the applicant-dealers is notified by the government as falling under Entry 1(ii) of Part-B of Fourth Schedule to TNVAT Act, this product cannot be treated as agricultural implements falling under this Entry. Consequently, the machine has to be treated as residuary item falling under Entry 69 of Part-C of First Schedule to the TNVAT Act, 2006.

4. In view of the above discussion, this committee clarifies that "**Portable Battery Operated Kapas Plucking Machine**" sold by the applicant-dealers is liable to tax at 14.5% as a residuary item falling under Entry-69 of Part-C of First Schedule to the TNVAT Act, 2006.

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.SIMA Cotton Development & Research Association,  
41, Race Course,  
Coimbatore - 641 018

Copy to:  
The Assistant Commissioner (CT)  
Trichy Road Assessment Circle

The Joint Commissioner (CT),  
Coimbatore 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//

*W. S. Narayana*  
2-1-17  
Commercial Tax Officer