

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.63/2016-17
Acts cell-II/4402/2017

Dated: 18.04.2018

- Present:**
1. Dr. T.V. Somanathan, I.A.S.,
Principal Secretary/Commissioner of Commercial Taxes
 2. Thiru M. Parameswaran,
Additional Commissioner (ST), (Public Relations)(FAC)
 3. Thiru C. Palani,
Additional Commissioner (ST), (Revision Petitions)(FAC)

1	Name and address of the Applicant	:	Tvl. Pharm Products Private Limited, Vijai Medical College Road, Thanjavur - 613 007
2.	Registration Certificate No.	:	TIN.No. 33523820005 CST No. 215402
3.	Assessment Circle	:	Thanjavur II Assessment Circle
4.	Date of application	:	--
5.	Date of receipt of application	:	14-02-2017
6.	Clarification sought for	:	Rate of tax on sale of " Siddha medicine for CST & Export sales "
7.	Date of Personal Hearing	:	--
8.	Represented by	:	--

ORDER

Tvl. Pharm Products Private Limited, Vijai Medical College Road, Thanjavur - 613 007 (TIN.No. 33523820005), registered dealers in the files of Thanjavur II 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. The applicant-dealers have requested the Authority for clarification for the rate of tax on "**Siddha medicine for CST & Export sales**". The applicant-dealers have also enclosed the Drug

license issued by State Drug Licensing Authority (Indian Medicine), Tamil Nadu, Chennai – 106 dated 16-05-2012 (Valid upto 31.12.2016), details of siddha tablet and capsules, Invoice cum challan as annexure to the application. The applicant-dealers have stated that they are producing allopath, siddha medicines and dietary supplements under drug and food license and selling the manufactured goods to registered dealers.

3. The issue has been examined in detail with reference to the provisions of TNVAT Act, 2006 and Rules 2007 and the related 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.

4.1. Siddha medicines are exempted from VAT liability under Entry 72-A of Part-B of Fourth Schedule to the TNVAT Act, 2006. However, applicant-dealers have requested the rate of tax on **Siddha medicine** for the sales under CST & Export.

4.2. 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 i.e., CST and Export sales. 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. In respect of tax liability under CST Act, 1956, the applicant-dealer should refer to Section 8 of CST Act, 1956 based on the applicable tax under TNVAT Act, 2006. Therefore, this application is not maintainable under Sec. 48-A of TNVAT Act, 2006.

5. Therefore, the application stands disposed as **"NOT MAINTAINABLE"**

Dated this the eighteenth day of April 2018.

Sd/- M. Parameswaran,
Additional Commissioner (PR)(FAC)

Sd/- C. Palani,
Additional Commissioner (RP) (FAC)

Sd/- Dr. T.V. Somanathan,
Principal Secretary/
Commissioner of Commercial Taxes

To
Tvl. Pharm Products Private Limited,
Vijai Medical College Road,
Thanjavur – 613 007

Copy to:
The Assistant Commissioner (ST),
Thanjavur II Assessment Circle.

The Joint Commissioner (ST),
Trichy 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 (ST) including Enforcement, LTU, MOU and
ISIC.
All Deputy Commissioners (ST), 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//

d. Banno
State Tax Officer 20/04/18.

20/4/18