

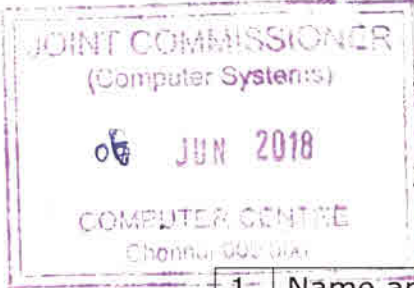
**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.67/2015-16
Acts cell-II/27448/2015

Dated: 04.06.2018

- 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. Dr. C. Palani,
Additional Commissioner (ST), (Revision Petitions)(FAC)



1.	Name and address of the Applicant	: Tvl. Bliss Lighting Solutions (LLP), 17-A, Krishna Iyer Street, Chennai – 79.
2.	Registration Certificate No.	: TIN No. 33676328294 CST No. 914103
3.	Assessment Circle	: Sowcarpet Assessment Circle
4.	Date of application	: 13.08.2015
5.	Date of receipt of application	: 01.09.2015
6.	Clarification sought for	: Rate of tax on “LED Lights, LED Bulbs, LED Fixtures”
7.	Date of Personal Hearing	: --
8.	Represented by	: --

ORDER

Tvl. Bliss Lighting Solutions(LLP), 17-A, Krishna Iyer Street, Chennai – 79 (TIN 33676328294), registered dealer in the files of Sowcarpet 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 the Tamil Nadu Value Added Tax Rules, 2007 (TNVAT Rules, 2007).

2. The applicant-dealer have sought for clarification for the rate of tax on various items that broadly covered under the category of **“LED Lights, LED Bulbs and LED Fixtures”**. The appellant-dealer have stated that they are dealing LED Panel Lights, LED Street Lights, LED Cob Lights, T5 LED Fixtures, LED Track Lights, Surface LED Panel Lights, LED Flood Lights, LED Down Lights, LED Strip Lights and LED

Bulbs. The applicant dealer sought clarification for the reason that as per the First Schedule Part-C of the Value Added Tax Commodity List, these items are classified under one head namely LED Panels and its Parts and Accessories are taxable at 14.5%. They further stated that during the Budget for the year 2015-16, it was decided to reduce VAT on LED Lamps of all kinds from the present levy of 14.5% to 5% to encourage the use of energy saving devices.

3. The issue has been examined in detail with reference to the provisions of the TNVAT Act, 2006 and TNVAT Rules, 2007 and the related entries in all the Schedules to the TNVAT Act, 2006. Section 48-A of the TNVAT Act, 2006 provides for clarification on any point concerned with rate of tax for commodities.

4.1. The requests of the applicant-dealer included LED Panel Lights, Surface LED Panel Lights, LED Street Lights, LED Cob Lights, LED Track Lights, LED Flood Lights, LED Down Lights, LED Strip Lights and LED Bulbs. All the above are lights under the category of light emitting diode used in different requirements. Except LED Panel Lights, Surface LED Panel Lights, all other goods also being LED based are to be categorized as LED Lamps and fall under the entry 75-A - LED (Light Emitting Diode) - Lamps of all kinds taxable at 5%.

4.2. As per Entry 13A of Part C of the First Schedule (inserted with effect from 01/04/2015), LED Panels are taxable at 14.5% and therefore LED Panel Lights and Surface LED Panel Lights are taxable at 14.5%.

4.2. In respect of LED fixtures, unlike normal Tube Lights and fixtures, where both can be independent, the LED Lights and fixtures are combined together to form a single commodity and hence, need to be considered as taxable under the category of LED Lights. LED Fixtures called as Patti in common parlance though can be sold separately like other similarly placed Electrical Goods, such fixtures can be used only against the said LED Bulbs of all kinds and cannot be used for other normal tube lights or bulbs. Further it has been clarified in ACAAR No.14/2015-16 dated 29/07/2015 (Acts Cell-II/12826/2015) that LED Light Fixtures, LED Drivers/Accessories are found to be the essential accessories without which LED lights are not able to put into use and therefore liable to tax at 5% like LED Lamps under Entry 75-A of Part -B of the First Schedule read with proviso to Section 3(2) of the TNVAT Act, 2006.

5. In view of the above, it is clarified that:

- 1. LED Street Lights, LED COB Lights, LED Track Lights, LED Flood Lights, LED Strip Lights and LED Bulbs are taxable at 5% as per Entry 75-A of Part B of the First Schedule to TNVAT Act 2006 with effect from 01/04/2015.**

- 23
2. **LED Fixtures that can be used exclusively only for the LED Bulbs or Tube Lights are liable to tax at 5% under Entry 75-A of Part-B of the First Schedule to the TNVAT Act 2006 read with proviso to Section 3(2) of the TNVAT Act 2006 with effect from 01-04-2015.**
 3. **LED Panel Lights and Surface LED Panel Lights are taxable at 14.5% as per Entry 13A of Part C of I Schedule to the TNVAT Act 2006 with effect from 01-04-2015.**

Dated this the fourth day of June 2018.

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

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

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

To

Tvl. Bliss Lighting Solutions,
17-A, Krishna Iyer Street,
Chennai - 79.

Copy to:

The Assistant Commissioner (ST),
Sowcarpet Assessment Circle.

The Joint Commissioner (ST),
Chennai (North) 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//


State Tax Officer
05/06/18
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