

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

**ACAAR No. 082/ 2014-15.**  
**Acts cell – II/30908/2014**

Dated :03.12.2014

**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 of the Applicant	: Tvl. A.R.B. Communications, No. 13, Gowripuram 3 <sup>rd</sup> cross, (L.G.B. Backside) Karur.
2.	Registration Certificate No.	: TIN:33303681998
3.	Name of Assessment circle	: Karur (West), Karur.
4.	Date of review application	: 07.10.2014
5.	Date of receipt of application	: 07.10.2014
6.	Clarification sought for	: Clarification in respect of rate of tax on "Recharge Coupons" for Cellular Mobile.
7.	Date of Personal Hearing	: ----
8.	Represented by	: ----

**ORDER**

Tvl. A.R.B. Communications, No. 13, Gowripuram 3<sup>rd</sup> cross, (L.G.B. Backside) Karur (TIN:33813784586), registered dealers in Distribution of Aircel Recharge vouchers, in the files of Karur (South) Assessment Circle, Karur, 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 "**Recharge Coupons**" for Mobile Phones.

3. It has already been clarified in ACAAR No.86/2012-13(Acts Cell- II/21441/2014) dated 29.10.2014 that "Recharge Coupons" is taxable as:

- (i) **The Recharge Coupons or vouchers for mobile phone connections are not "goods"**, falling within the scope of the definition of "Goods" under section 2 (21) of the TNVAT Act, 2006 and **therefore attracts no tax liability** under section 3(2) of the TNVAT Act, 2006.
- (ii) **Consequently the clarification advanced earlier in this regard in ACAAR No.86/2012-13 (Acts Cell-II/ 38112/2012) dated 14.02.2013 is rescinded.**

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 happen to be manufacturers, importers and traders in the line of business of such commodity or class of commodities. Since the Applicant-dealers herein also dealing in Recharge Coupons, the clarification in ACAAR No.86/2012-13 (Acts Cell - II/21441/2014) dated 29.10.2014 is applicable to them also.

5. It is therefore reiterated as given below:

- (i) **The Recharge Coupons or vouchers for mobile phone connections are not "goods"**, falling within the scope of the definition of "Goods" under section 2 (21) of the TNVAT Act, 2006 and **therefore attracts no tax liability** under section 3(2) of the TNVAT Act, 2006.

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**(ii) Consequently the clarification advanced earlier in this regard in ACAAR No.86/2012-13 (Acts Cell-II/ 38112/2012) dated 14.02.2013 is rescinded.**

Dated this the 3<sup>rd</sup> Day of December, 2014

To  
Tvl. A.R.B. Communications,  
No. 13, Gowripuram 3<sup>rd</sup> cross,  
(L.G.B. Backside)  
Karur.

Copy to:

The Assistant Commissioner (CT)  
Karur (South) Assessment Circle.

The Joint Commissioner (CT),  
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 (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)