

PROCEEDINGS OF THE
AUTHORITY FOR CLARIFICATION AND ADVANCE RULING

ACAAR No. 86/2014-15
Acts cell - II/33783/2014

Dated:11.06.2015

- Present:**
1. Thiru. K.Rajaraman, I.A.S.,
Principal Secretary/Commissioner of Commercial Taxes.
 2. Thiru. R.Vayanaperumal,
Additional Commissioner (CT), (Public Relation)
 3. Thiru. K.Mahalingam,
Additional Commissioner (CT), (Revision Petition)

1	Name and address of the Applicant	:	Tvl. The SIMA Cotton Development and Research Association, 41, Race Course, Coimbatore - 641018
2.	Registration Certificate No.	:	TIN. No. 33481880124
3.	Date of application	:	07.11.2014
4.	Date of receipt of application	:	08.11.2014
5.	Clarification sought for	:	Rate of Tax on " Portable Solar Cotton Picking Machine "
6.	Date of Personal Hearing	:	-----
7.	Represented by	:	-----

ORDER

Tvl. The SIMA Cotton Development and Research Association, Coimbatore - 641018 (TIN 33481880124) dealer in Trichy Road Assessment Circle 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 concerned with the rate of tax on "Portable Solar Cotton Picking Machine"

3. The applicant-dealers is a non-profit organisation recognised as SIRO by Department of Science & Industrial Research dealing in agricultural research of genetically pure cotton seeds and distribution had sought a clarification with regard to the rate of tax applicable for the commodity "**Portable Solar Cotton Picking Machine**" on parity with Agricultural Implements as found in SI.No.1(ii) and (iii) of part B to the Fourth Schedule to the TNVAT Act, 2006.

4.1. The issue has been examined in detail with reference to the provisions of TNVAT Act, 2006 and Rules, 2007 and the relative entries in both first and Fourth Schedules 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.

4.2. The applicant-dealers have sought for clarification regarding rate of tax on "**Portable Solar Cotton Picking Machine**"

4.3. As per the relative Entry 1(II)(ii) of Part-B of Fourth Schedule to the TNVAT Act, 2006 the agricultural implements those powered or operated by tractors or by power tillers does not contain an item "**Portable Solar Cotton Picking Machine**" that are specified under Serial. No. 1 (ii) as per G.O.Ms.No 50 CT&R, (B1) dt 27.03.2012- Notn.No. II(1)/CTRJ12(a-13)/2012 brought into effect from 01.04.2012.

However there is no specific entry of the description mentioned above in any of the Schedule to the TNVAT Act 2006. But there is a specific entry in SI. No. 117 of Part B of the First schedule to the TNVAT Act 2006, which reads as below

"Renewable energy devices and spare parts other than those specified in the Fourth Schedule"

4.4 "**Portable Solar Cotton Picking Machine**" by its design and structure is operatable, with the solar energy which is converted into electrical energy by the solar power panel and stored into the rechargeable battery attached as being the major components of the picking machine. It is construed therefore the "Portable Solar Cotton Picking Machine" is falling under entry 117 in part B of the First schedule to the TNVAT Act, 2006.

4.5. The clarification is therefore that the **"Portable Solar Cotton Picking Machine" powered by solar energy is a renewable energy device taxable at 5% under Entry 117 of Part-B of First Schedule to the TNVAT Act, 2006.**

Dated this the 11th day of June 2015.

Sd/- R. Vayanaperumal,
Additional Commissioner (PR)

Sd/- K. Mahalingam,
Additional Commissioner (RP)

Sd/- K. Rajaraman,
Principal Secretary/
Commissioner of Commercial Taxes

To:
Tvl. The SIMA Cotton Development and
Research Association,
41, Race Course,
Coimbatore - 641018

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

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 File3 / Acts Cell-II / Spare - 5.

//Forwarded/By order//


Additional Commissioner (PR)