

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.93/2015-16
Acts cell-II/33738/2015

Dated: 22.05.2018

- 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. Aquasub Engineering, Thudiyalur Post, Coimbatore - 641 034.
2.	Registration Certificate No.	: TIN :33602020417 CST : 577665
3.	Assessment Circle	: Thudiyalur Assessment Circle
4.	Date of application	: 26.10.2015
5.	Date of receipt of application	: 30.10.2015
6.	Clarification sought for	: Rate of Tax on " Centrifugal Monoblock Pumpset, Submersible Pumpset "
7.	Date of Personal Hearing	: --
8.	Represented by	: --

ORDER

Tvl. Aquasub Engineering, Thudiyalur Post, Coimbatore-641 034 (TIN 33602020417), the registered dealer in the files of Thudiyalur Assessment Circle have preferred application in Form 'VV' and sought clarification under Section 48-A (1) of the Tamil Nadu Value Added Tax Act (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 on the rate of Tax on "**Centrifugal Monoblock Pumpset, Submersible Pumpset**". They have stated that since there is no specific

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horsepower specified under Entry 26 (a) of Part-B of the First Schedule to the TNVAT Act, 2006, all Centrifugal and Monoblock, Submersible pumpsets irrespective of Horse power will be taxable under the abovesaid entry. They further stated that the Entry 26 (b) of Part-B of the First Schedule to the TNVAT Act, 2006 does not make distinction between Centrifugal and Monoblock submersible pumpset for water handling and other pumpsets and therefore all pumpsets of 3 HP and 5 HP will be independently taxed @ 5% under Entry 26 (b). The applicant dealer also enclosed the pamphlets explaining their products and clarification already issued to Tvl. Texmo Industries, Coimbatore in ACAAR No. 94,100,101,102,103/2013-14, dated 13.03.2014.

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 regarding the commodities classified under 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. Entry 26 of Part-B of the First Schedule to the TNVAT Act, 2006 reads as under :

- (a) Centrifugal and Monoblock submersible pumpsets for water handling and parts thereof - 5% (Commodity Code 2026)
- (b) Pumpsets of 3 HP and 5 HP - 5% (Commodity Code 2026)

4.2. In ACAAR No. 94/2015-2016 (Acts Cell-II/33739/2015), dated 30.11.2015 in the case of Tvl. Sri Krishna Trading Co., Kanchipuram, the Authority for Clarification and Advance Ruling has clarified the applicable rate of tax on the goods "Centrifugal Monoblock submersible pumpsets as under :

"..... Entry 26 in Part-B of the First Schedule to the Act is a genus of motor pumpsets. The sub-entry (a) is one species and sub-entry (b) is another species of the same genus "motor pumpsets". The Centrifugal Monoblock and Submersible Pumpsets are the varieties made under the species (a) and the pumpsets of 3 HP and 5 HP upto 31.03.2015 and pumpsets upto 10 HP with effect from 01.04.2015 are varieties of the species (b) of the genus "Motor Pumpsets".

The entry in Sl.No. 26 (a) "Centrifugal and Monoblock Submersible Pumpsets" in Part-B of the First Schedule to the TNVAT Act, 2006 does not specify the capacity of such pumpsets in terms of horse power. Therefore, the Centrifugal, Monoblock and Submersible pumpsets of any horse power irrespective of any horse power would fall under Entry 26(a) of Part-B of the First Schedule to the TNVAT Act, 2006 and attract liability only at 4% during the

period from 01.01.2007 to 11.07.2011 and 5% in the period after 12.07.2011 to still."

5. In view of the above, it is clarified that "**Centrifugal and Monoblock Submersible Pumpsets**" for water handling are **taxable @ 5% as per Entry in Sl.No. 26(a) of Part-B of the First Schedule to the TNVAT Act, 2006.**

Dated this the twenty second day of May 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. Aquasub Engineering,
Thudiyalur Post,
Coimbatore - 641 034.

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

The Joint Commissioner (ST),
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 (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//

Sd/-
25/5/18
State Tax Officer
25/5/18