



ABSTRACT

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Commercial Taxes Department – Waiver – Waiver of tax payable on the sale of Silk Cotton Seeds for the period from 08.09.1990 to 28.04.1994 under Tamil Nadu General Sales Tax Act, 1959 – Orders – Issued.

Commercial Taxes and Registration (D2) Department

G.O.(D) No.138

10307

Dated: 24.03.2017

துன்முகி, பங்குனி 11

திருவள்ளூர் ஆண்டு 2048

Read:

1. The Principal Secretary/Commissioner of Commercial Taxes letter No. Acts Cell-V/63990/1995, dated 07.12.1995.
2. The Principal Secretary/Commissioner of Commercial Taxes letter No.DC/13397/1996, dated 20.07.2015.
3. Government letter No.9446/D2/2015-1, Commercial Taxes and Registration (D2) Department, dated 04.08.2015.
4. The Additional Chief Secretary/ Commissioner of Commercial Taxes letter No. Drafting Cell/13397/1996, dated 29.07.2016.

ORDER:

The Principal Secretary/ Commissioner of Commercial Taxes in his letter first read above stated that "Silk Cotton Seed" was taxable at 3% under item No. 6(iii) of the Second Schedule to the Tamil Nadu General Sales Tax Act, 1959. In the light of the ruling of the Sales Tax Appellate Tribunal and orders of the High Court of Madras, he instructed the assessing officers concerned to finalise the pending assessments relating to Silk Cotton Seeds levying tax @ 8% and requested to send proposals for waiver of differences in tax i.e., 8% - 3% upto the date of issue of this present revised clarification and to revise the assessments for past years already finalised for which the limitation for revision has not expired and send proposals for waiver.

2. In accordance with the report of the Joint Commissioners of Coimbatore, Madurai, Salem and Tirunelveli, the Principal Secretary/Commissioner of Commercial Taxes in his letter second read above sent proposal for waiver of an amount of Rs.9,99,981/- (Rupees Nine lakh ninety nine thousand nine hundred and eighty one only) in respect of 152 dealers being differential tax (8%-3% = 5%) on the sale of silk cotton seeds for the period from 08.09.1990 to 28.04.1994 as follows :-

Name of the Division	No. of Dealers	Tax (in Rs.)	Surcharge (in Rs.)	Penalty (in Rs.)	Total (in Rs.)
Coimbatore	12	49,667/-	12,038/-	--	61,705/-
Madurai	99	6,74,608/-	1,58,997/-	--	8,33,605/-
Salem	12	33,264/-	4,895/-	--	38,159/-
Tirunelveli	29	45,380/-	9,789/-	11,343/-	66,512/-
Total	152	8,02,919/-	1,85,719/-	11,343/-	9,99,981/-

3. In the Government letter third read above the Principal Secretary/ Commissioner of Commercial Taxes was requested to place the above waiver proposal before the waiver committee constituted vide G.O.(D).No.428, Commercial Taxes and Registration (D2) Department, dated 25.08.2006 for its decision.

4. In the reference fourth read above, the Additional Chief Secretary/ Commissioner of Commercial Taxes has stated that the following waiver proposal has been placed before the Waiver Committee for its decision.

"Considering the fact that based on the clarification issued by the Commissioner of Commercial Taxes, the dealers had collected tax @ 3% only during the period from 08.09.1990 to 28.04.1994 on the sale of silk cotton seeds, the proposal for waiver of an amount of Rs.9,99,981/- (Rupees Nine lakh ninety nine thousand nine hundred and eighty one only) in respect of differential tax (8%-3% = 5%) payable under the Tamil Nadu General Sales Tax Act, 1959 on the sale of silk cotton seeds for the period from 08.09.1990 to 28.04.1994 is placed before the Waiver Committee for its decision."

He has further stated that the Waiver Committee has agreed to the above proposal. He has therefore, requested the Government to issue waiver orders in this regard.

5. The Government after careful examination, have decided to accept the decision of the waiver committee and hereby waive an amount of Rs.9,99,981/- (Rupees Nine lakh ninety nine thousand nine hundred and eighty one only) being differential tax (8% - 3% = 5%) on the components viz Tax - Rs.8,02,919/- (Rupees Eight lakh two thousand nine hundred and nineteen only), Surcharge - Rs.1,85,719/- (Rupees One lakh eighty five thousand seven hundred and nineteen only) and Penalty - Rs.11,343/- (Eleven thousand three hundred and forty three only) payable by 152 dealers of Coimbatore (12 dealers), Madurai (99 dealers), Salem (12 dealers) and Tirunelveli (29 dealers) Divisions under the Tamil Nadu General Sales Tax Act, 1959 on the sale of silk cotton seeds for the period from 08.09.1990 to 28.04.1994 under item 7 of Appendix 21 of Chapter - II of the Tamil Nadu Financial Code Volume - II.

6. This order issues with the concurrence of the Finance department vide its U.O.No.52571/Revenue/2016, dated 31.10.2016.

(By Order of the Governor)

Dr C. CHANDRAMOULI
ADDITIONAL CHIEF SECRETARY (FAC)

To

✓ The Additional Chief Secretary/ Commissioner of Commercial Taxes, Chennai - 5
The Joint Commissioner concerned,
(through the Additional Chief Secretary/ Commissioner of Commercial Taxes,
Chennai - 5)

The Principal Accountant General, Chennai - 8

Copy to:

The Finance (Revenue) Department, Chennai - 9
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//Forwarded by Order//


SECTION OFFICER
30/3/17