



**ABSTRACT**

Waiver – Waiver of tax and surcharge of Rs.20,595/- payable by Tvl. Durai Sarpath Company, Sivakasi on the sale of Nannari Syrup under the Tamil Nadu General Sales Tax Act, 1959 for the assessment years 1988-1989 and 1989-1990 - Orders - issued.

**COMMERCIAL TAXES AND REGISTRATION (D2) DEPARTMENT**

**G.O.(Ms) No. 51**

**Dated: 03.03.2016**

மன்மத, மாசி-20

திருவள்ளூர் ஆண்டு-2047

**Read:**

1. The Commissioner of Commercial Taxes circular Ref.L.Dis. Acts Cell-II/1077/84, dated 15.2.1985
2. The Commissioner of Commercial Taxes letter Ref. K.Dis. Acts Cell-II/ 87618/89, dated 24.8.1989
3. The Commissioner of Commercial Taxes letter R.Dis. Acts Cell-II/23782/1992, on 31.3.1992
4. G.O.(Ms.)No.173, Commercial Taxes and Endowments Department, dated 25.04.1995.
5. G.O.(D)No.105, Commercial Taxes and Endowments Department, dated 23.03.1998.
6. The Commissioner of Commercial Taxes letter No. Drafting Cell-II/ 19513/2011, dated 23.08.2013.
7. Government letter No.11183/D2/2013-4, Commercial Taxes and Registration Department, dated 14.05.2014.
8. The Commissioner of Commercial Taxes letter No. Drafting Cell-II/ 22110/2007, dated 18.7.2014

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**ORDER:**

In the reference first read above, the Commissioner of Commercial Taxes had clarified that "Nannari Syrup" is an item of 'general goods', taxable at the multi point rate of 5%. Subsequently, in the reference second read above, it was clarified that "Nannari Syrup" is taxable at 8% at the point of first sale in the State, under Item 139 of the First Schedule to the erstwhile Tamil Nadu General Sales Tax Act, 1959. In the reference third read above, the earlier clarification dated 15.2.1985 was cancelled and the Assessing Officers were instructed to revise past assessments relating to the years 1986-1987 to 1989-1990, levying tax at 8%, under item 139 of the erstwhile First Schedule. The assessments in respect of dealers in Nannari Syrup were revised based on the revised clarification and additional demands were raised. However, the



dealers had not collected the higher tax during the assessment years 1986-1987 to 1989-1990 and they had actually collected and paid tax at 5%. Accordingly, orders were issued in the reference fourth and fifth read above waiving a sum of Rs.2,46,034/- and Rs.53,192/- respectively.

2. The Principal Secretary/Commissioner of Commercial Taxes in his letter sixth read above, reported that proposal in respect of Tvl.Durai Sarpath Company, Sivakasi was received from the Joint Commissioner, Tirunelveli only after the issue of the above waiver orders issued by the Government. The Principal Secretary/Commissioner of Commercial Taxes has therefore requested the Government to waive the following arrears under the Tamil Nadu General Sales Tax Act, 1959 payable by Tvl. Durai Sarpath Company, Sivakasi on the sales of Nannari syrup for the assessment year 1988-1989 and 1989-1990:-  
(Amount in Rs.)

Assessment year	Tax	Surcharge	Total
1988-89	6,868	549	7,417
1989-90	12,202	976	13,178
<b>Total</b>	<b>19,070</b>	<b>1,525</b>	<b>20,595</b>

3. In the reference Seventh read above, the Principal Secretary/Commissioner of Commercial Taxes was requested to place the proposal before the Waiver Committee consisting of the Secretary, Commercial Taxes and Registration Department, the Principal Secretary, Finance Department and the Commissioner of Commercial Taxes as members for its recommendation.

4. In the reference eighth read above, the Commissioner of Commercial Taxes has reported that the proposal was placed before the Waiver Committee and the Committee has agreed to the proposal for waiver of differential rate of tax between 8% and 5% along with surcharge amounting to Rs.20,595/- (Rupees Twenty thousand five hundred and ninety five only) in respect Tvl. Durai Sarpath Company, Sivakasi payable on the sales of Nannari syrup under the Tamil Nadu General Sales Tax Act, 1959 for the assessment years 1988-1989 and 1989-1990 and requested the Government to issue waiver orders.

5. In view of non-availability of specific provision in Tamil Nadu Value Added Tax Act, 2006 to waive the tax and surcharge payable under Tamil Nadu General Sales Tax Act, 1959, the Government, after careful examination, have decided to accept the recommendation of the waiver committee and hereby waive the differential rate of tax between 8% and 5% amounting to Rs.20,595/- (Rs.19,070 – Tax & Rs.1,525/- Surcharge) (Rupees Twenty thousand five hundred and ninety five only) payable on the sales of Nannari syrup under the Tamil Nadu General Sales Tax Act, 1959 for the assessment years 1988-1989 and 1989-1990 by Tvl. Durai Sarpath Company, Sivakasi as a loss of irrevocable money under the power vested 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.13795/Finance(Revenue)/2016, dated 24.2.2016.

(By Order of the Governor)

MD.NASIMUDDIN  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To  
The Principal Secretary/ Commissioner of Commercial Taxes,  
Chennai – 5.  
The Joint Commissioner concerned  
(through the Principal Secretary/Commissioner of Commercial Taxes, Chennai-5)  
Tvl. Durai Sarpath Company, Sivakasi  
(through the Principal Secretary/Commissioner of Commercial Taxes, Chennai-5)  
The Principal Accountant General, Chennai – 18

Copy to:

The Finance (Revenue) Department, Chennai – 9  
The Law Department, Chennai – 9  
Stock file/Spare copies.

//Forwarded by Order//

*R. Ayyappan*  
(R.AYYAPPAN)

UNDER SECRETARY TO GOVERNMENT

*3/3/16*