



ABSTRACT

Commercial Taxes Department – Waiver – Waiver of tax, surcharge and penalty payable on the sale of coconut shell powder by 11 Dealers in Salem & Coimbatore Divisions under the Tamil Nadu General Sales Tax Act, 1959 and Central Sales Tax Act, 1956 for the period from 25.02.2000 to 22.04.2004 – Orders – Issued.

Commercial Taxes and Registration (D2) Department

G.O.(Ms) No.81

Dated: 13.07.2018

விளம்பி ஆனி 29

திருவள்ளூர் ஆண்டு 2049

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Read:

1. The Principal Secretary/Commissioner of Commercial Taxes letter No.AC-II/83779/99 dated 25.02.2000
2. Commissioner of Commercial Taxes letter No.AC-II/63310/2003 dated 22.04.2004
3. Special Commissioner/Commissioner of Commercial Taxes letter No.AC-II/79957/2004 dated 29.09.2006
4. From the Additional Chief Secretary/ Commissioner of Commercial Taxes letter No.DC-II/79957/2004, dated 23.11.2016
5. Government letter No.14580/D2/2016, Commercial Taxes and Registration (D2) Department, dated 10.01.2017
6. From the Additional Chief Secretary/ Commissioner of Commercial Taxes letter No.DC-II/79957/2004, dated 09.02.2017

ORDER:

In the reference first read above, the Principal Secretary/Commissioner of Commercial Taxes clarified that "coconut shell powder" liable for exemption under Entry No.75 in part-B of the Third Schedule to the Tamil Nadu General Sales Tax Act, 1959.

2. In the reference second read above, the CCT further clarified that "coconut shell powder" taxable at 12% on first sale under residuary entry No.40 in Part-D of First Schedule to the Tamil Nadu General Sales Tax Act, 1959. Hence, the assessing officers levied tax at 12% on the said item even for the period prior to 22.04.2004. Some dealers represented that they had not collected tax on the sale of coconut shell powder under the Tamil Nadu General Sales Tax Act, 1959 and Central Sales Tax Act, 1956 during the period from 25.02.2000 to 22.04.2004.

3. On the representation of the dealers, the Special Commissioner/Commissioner of Commercial Taxes in his letter third read above, requested the then Deputy Commissioners (now Joint Commissioners) to send waiver proposals in such cases, wherever orders were passed after ensuring that the dealers had not collected any tax from the buyers. Accordingly, the Joint Commissioners (CT), Salem and Coimbatore have stated that the 11 dealers (10 dealers in Salem Division and 1 dealer in Coimbatore Division) had not collected tax on the sale of coconut shell powder under the Tamil Nadu General Sales Tax Act, 1959 and Central Sales Tax Act, 1956 on the sale of coconut shell powder for the period from 25.02.2000 to 22.04.2004.
4. Based on the report of the Joint Commissioner Salem and Coimbatore Divisions, the Additional Chief Secretary/Commissioner of Commercial Taxes in his letter fourth read above sent proposal for waiver of an amount of Rs.96,53,641/- (Rupees Ninety six lakh fifty three thousand six hundred and forty one only) being the tax, surcharge and penalty payable under the Tamil Nadu General Sales Tax Act, 1959 and Rs.1,00,67,373/- (Rupees One crore sixty seven thousand three hundred and seventy three only) being the tax and penalty payable under the CST Act, 1956 on the sale of coconut shell powder by the 11 dealers (10 Dealers in Salem Division and 1 dealer in Coimbatore Division) for the period from 25.02.2000 to 22.04.2004.
5. In the Government letter fifth read above, the Additional Chief 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.
6. The "Waiver Committee", has agreed to the above proposal. The Additional Chief Secretary/Commissioner of Commercial Taxes has therefore requested the Government in his letter six read above to issue orders in this regard.
7. The Government after careful examination, have decided to accept the decision of the "Waiver Committee", and waive a sum of Rs.96,53,641/- (Rupees Ninety six lakh fifty three thousand six hundred and forty one only) being Tax, Surcharge and Penalty payable under the Tamil Nadu General Sales Tax Act, 1959 and Rs.1,00,67,373/- (Rupees One crore sixty seven thousand three hundred and seventy three only) being the Tax and Penalty payable under the Central Sales Tax Act, 1956 on the sale of coconut shell powder by the following 11 dealers (10 Dealers in Salem Division and 1 Dealer in Coimbatore Division) for the period from 25.02.2000 to 22.04.2004 under item 7 of Appendix 21 of Chapter XII of the Tamil Nadu Financial Code Volume - II.

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Sl. No.	Name of the dealer (Tvl.)	Assessment year	TNGST				CST		
			Tax (Rs.)	Surcharge (Rs.)	Penalty (Rs.)	Total (Rs.)	Tax (Rs.)	Penalty (Rs.)	Total (Rs.)
Salem Division									
1.	Kalaimani Industries	2003-04	144301	7215	--	151516	--	--	--
2.	Amman Industries	2003-04	1535072	76754	2417739	4029565	1275528	1913292	3188820
3.	ATM Ragul Traders	2003-04	106980	5349	168494	280823	--	--	--
4.	Venkateswaran Traders	2001-02	--	--	--	--	307944	--	307944
		2002-03	--	--	--	--	1141753	--	1141753
5.	Rasi Enterprises	2003-04	--	--	--	--	208966	--	208966
6.	Induja Traders	2003-04	117732	5887	--	123619	714647	--	714647
7.	Sri Bannari Amman Industries Ltd	2003-04	250014	12500	--	262514	--	--	--
8.	Ambal Agro Industries	2003-04	46076	2304	72750	121130	--	--	--
9.	Rathna Traders	2003-04	438732	--	--	438732	--	--	--
10.	Sri Murugappa Traders	2003-04	27468	--	--	27468	--	--	--
		2004-05	22056	--	--	22056	--	--	--
Coimbatore Division									
11.	Pioneer Agro Industries, Avinashi	2002-03	856152	32106	1332387	2220645	373160	559740	932900
		2003-04	752599	37630	1185344	1975573	1428937	2143406	3572343
Total			4297182	179745	5176714	9653641	5450935	4616438	10067373

8. This order issues with the concurrence of the Finance department vide its U.O.No.37624/Revenue/2017, dated 05.09.2017 .

(By Order of the Governor)

Ka. BALACHANDRAN
PRINCIPAL SECRETARY TO GOVERNMENT

To

✓ The Additional Chief Secretary/Commissioner of Commercial Taxes,
Chennai – 5

The Joint Commissioner Salem/Coimbatore
(through the Additional Chief Secretary/Commissioner of
Commercial Taxes, Chennai – 5)

The Principal Accountant General, Chennai –18.

Copy to:

The Chief Minister's office, Chennai-9

The Public (SC) Department, Chennai-9

The Finance (Revenue) Department, Chennai – 9.

Stock file/Spare copies.

//Forwarded by Order//

SECTION OFFICER