



## ABSTRACT

Waiver - Waiver of differential concessional rate of tax on the sale of Eucalyptus timber payable under the Tamil Nadu General Sales Tax Act, 1959 for the period from 1.4.1994 to 16.7.1996 – Orders – Issued

### COMMERCIAL TAXES AND REGISTRATION (D2) DEPARTMENT

G.O.(Ms)No.92

14728

Dated: 06.06.2016

துன்முகி, வைகாசி 24

திருவள்ளூர் ஆண்டு 2047

Read:

1. G.O.(2D) No.158, Commercial Taxes (D2) Department, dated 31.10.2008
2. From the Principal Secretary/Commissioner of Commercial Taxes letter No.DC-II/ 61898/2007,dated 5.6.2013.
3. Government letter No.8766/D2/2014, dated 26.07.2013
4. Minutes of the waiver committee reference DC-II/61898/2007 dated 3.2.2015
5. From the Principal Secretary/Commissioner of Commercial Taxes letter No.DC-II/61898/2007, dated 11.2.2015.

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### ORDER:

The commodity 'Timber' was taxable at 8% at First Point of sale under item 23, Part-D of the First Schedule to the Tamil Nadu General Sales Tax Act, 1959 till 31.3.1994. From 1.4.1994 it was transferred from First Schedule to Sixth Schedule and taxable at 8% at First Point of sale and Second Point of sale in the State (item No.11) and it was omitted with effect from 17.7.1996 from the Sixth Schedule.

2. The Principal Secretary/Commissioner of Commercial Taxes in his letter fifth read above has stated that since the commodity 'Timber' was brought in Sixth Schedule during the period from 1.4.1994 to 16.7.1996, levy of tax at concessional rate of tax against Form XVII under Section 3(3) of the Tamil Nadu General Sales Tax Act,1959 is not allowable since concessional rate of levy is allowable in respect of goods falling under First Schedule only. It was also clarified that the goods falling under Sixth Schedule were not eligible to purchase against Form XVII for the period from 1.4.1994 to 16.7.1996. Accordingly, In the reference first read above, the Government issued orders for waiver for an amount of Rs.1,69,90,128/- in respect of 41 dealers being the differential rate of tax between 8% and 3%, Surcharge, Additional Surcharge and penalty payable in respect of the period from 1.4.1994 to 16.7.1996 on the sale of Eucalyptus timber under the Tamil Nadu General Sales Tax Act, 1959.

3. Subsequently, the Principal Secretary/Commissioner of Commercial Taxes in his letter second read above sent a proposal in respect of three dealers who were not included in the Government Order first read above for waiver of differential concessional rate of tax (8%-3%=5%) for the period from 1.4.1994 to 16.7.1996 on the sale of Eucalyptus timber for an amount of Rs.6,44,277/- (Rupees Six lakh forty four thousand two hundred and seventy seven only) as detailed below :-

Division	Name of the dealer	Assessment year	Amount in (Rupees)				
			Tax	Surcharge	Additional Surcharge	Penalty	Total
Chennai (South)	Janatha Timber and Saw Mill	1994-95	133917	20123	6708	---	160748
		1995-96	124477	18672	6224	---	149373
Salem	District Forest Officer, Sathyamangalam	1994-95	150460	22570	---	---	173030
		1995-96	38796	5820	---	---	44616
Tirunelveli	Gokul Match Industries	1995-96	----	---	---	116510	116510
Total			447650	67185	12932	116510	644277

4. In the reference third read above, the Principal Secretary/Commissioner of Commercial Taxes was requested to place the above proposal before the Waiver Committee for its decision.

5. The Principal Secretary/Commissioner of Commercial Taxes in the reference fourth read above has placed the proposal before the waiver committee as follows and requested to issue waiver orders in the reference fifth read above:-

"Considering the fact that the dealers have purchased timber against Form XVII at the concessional rate of 3% only, the supplementary proposal for waiver of differential concessional rate of tax (8%-3%=5%) for the period from 1.4.1994 to 16.7.1996 on the sale of Eucalyptus timber for an amount of Rs.6,44,277/- (Rupees six lakh forty four thousand two hundred and seventy seven only) was placed before the Waiver Committee for its decision."

The Waiver Committee has agreed to the above proposal.

6. The Government after careful examination, have decided to accept the recommendation of the waiver committee and waive the differential concessional rate of tax (8%-3%=5%) for the period from 1.4.1994 to 16.7.1996 on the sale of Eucalyptus timber for an amount of Rs.6,44,277/-(Rupees Six lakh forty four thousand two hundred and seventy seven only) under item 7 of Appendix 21 of Chapter-II of the Tamil Nadu Financial Code Volume-II.

7. This order issues with the concurrence of the Finance Department vide its U.O.No.26421/Fin(Revenue)/2015, dated 7.7.2015.

(By Order of the Governor)

MD.NASIMUDDIN  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

~~To~~

To

The Principal Secretary/Commissioner of Commercial Taxes, Chennai – 5

✓ The Joint Commissioner concerned

(through the Principal Secretary/Commissioner of Commercial Taxes, Chennai – 5)

The Principal Accountant General, Chennai – 18

The Pay and Account Officer concerned

(through the Principal Secretary/Commissioner of Commercial Taxes, Chennai – 5)

Copy to:

The Finance (Revenue) Department, Chennai – 9

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//Forwarded by Order//

  
SECTION OFFICER

7/6/16