

GOVERNMENT OF TAMIL NADU
COMMERCIAL TAXES DEPARTMENT

OFFICE OF THE ADDITIONAL CHIEF SECRETARY /
COMMISSIONER OF COMMERCIAL TAXES
Ezhilagam, Chepauk, Chennai 600 005.

PRESENT: DR.C.CHANDRAMOULI, I.A.S.

Circular No.05/2017 TNGST
(RC 085 /2016 / A1/Taxation Cell)

dated: 21.12.2017

Subject:	Issues in respect of maintenance of books of accounts relating to additional place of business by a principal or an auctioneer for the purpose of auction of tea, coffee, rubber etc- regarding
Ref:	Circular No. 23/23/2017-GST, dated 21.12.2017 issued by the CBEC, New Delhi.

Various communications have been received regarding the difficulties being faced by a principal and an auctioneer in relation to maintaining books of accounts at each and every additional place of business related to stock of goods like tea, coffee, rubber, etc. meant for supply through an auction. Therefore, in exercise of the powers conferred under section 168 (1) of the Tamil Nadu Goods and Services Tax Act, 2017, for the purpose of uniformity in the implementation of the Act, it has been decided to clarify this matter.

2. As per the first proviso of section 35(1) of the Tamil Nadu Goods and Services Tax Act, 2017 (hereinafter referred to as 'the TNGST Act') both the principal and the auctioneer are required to maintain the books of accounts relating to their additional place(s) of business in such places. It has been represented that both the principal as well as the auctioneer may be allowed to maintain the books of accounts relating to the additional place(s) of business at their principal place of business itself.

3. The issue has been examined. In exercise of the powers conferred under section 168 (1) of the TNGST Act, for the purpose of uniformity in the implementation of the Act, it is hereby clarified that -

- (a) The principal and the auctioneer of tea, coffee, rubber etc. are required to declare warehouses where such goods are stored as their additional place of business. The buyer is also required to disclose such warehouse as his additional place of business if he wants to store the goods purchased through auction in such warehouses.
 - (b) Both the principal and the auctioneer are required to maintain the books of accounts relating to each and every place of business in that place itself as per the first proviso to sub-section (1) of section 35 of the TNGST Act. However, in case difficulties are faced in maintaining the books of accounts, it is clarified that they may maintain the books of accounts relating to the additional place(s) of business at their principal place of business instead of such additional place(s).
 - (c) Such principal or auctioneer shall intimate their jurisdictional proper officer in writing about the maintenance of books of accounts relating to additional place(s) of business at their principal place of business.
 - (d) Further, the principal or the auctioneer shall be eligible to avail input tax credit (ITC) subject to the fulfilment of other provisions of the Act and the rules made thereunder.
4. It is further clarified that this Circular is applicable to the supply of tea, coffee, rubber, etc. where the auctioneer claims ITC in respect of the supply made to him by the principal before the auction of such goods and the said goods are supplied only through auction.
5. It is requested that wide publicity may be given by all the offices about this circular.

Sd/-Dr.C.Chandramouli
Additional Chief Secretary /
Commissioner of State Tax

To

All the Joint Commissioners (ST) (Territorial)

Copy submitted to the Additional Chief Secretary to Govt., CT & R Dept., Chennai 9.

Copy to the Additional Commissioners (Audit) (SMR) (PR) (RP) in the O/o the ACS/CCT.

Copy to the Joint Commissioner (CT) Computer System to host in the dept website

Copy to all the Deputy Commissioners(ST) in the State including Enforcement.
Copy to all Heads of Assessment Circles.

//Forwarded by order//

21-12-17

Assistant Commissioner (ST) Taxation