

**GOVERNMENT OF TAMIL NADU
COMMERCIAL TAXES DEPARTMENT**

**OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES
EZHILAGAM, CHENNAI – 600 005**

**PRESENT: DR. T.V. SOMANATHAN, I.A.S.,
ADDITIONAL CHIEF SECRETARY /
COMMISSIONER OF STATE TAX**

**Circular No. 96/2019-TNGST
(PP6/35622/2019)**

dated: 20.12.2019

Sub:	Clarification on the effective date of explanation inserted in notification No. II(2)/CTR/662(a-5)/2018 dated 26.07.2018, [Issue No. 267] – reg.
Ref:	Circular No 120/39/2019-GST, dated 11.10.2019 issued by the Department of Revenue, Ministry of Finance, Government of India, New Delhi.

Representations have been received to amend the effective date of TN Notification No. II(2)/CTR/662(a-5)/2018 dated 26.07.2018 [Issue No. 267] whereby explanation was inserted in TN Notification No. II(2)/CTR/532(d-14)/2017, dated 29.6.2017 [Issue No. 202] Sr. No. 3(vi) to the effect that for the purpose of the said entry, the activities or transactions under taken by Government and Local Authority are excluded from the term 'business'.

2. The matter has been examined. Section 11(3) of TNGST Act provides that the Government may insert an explanation in any notification issued under section 11, for the purpose of clarifying its scope or applicability, at any time within one year of issue of the notification and every such explanation shall have effect as if it had always been the part of the first such notification.

3. As recommended by GST Council, the explanation in question was inserted vide TN Notification No. II(2)/CTR/662(a-5)/2018 dated 26.07.2018 [Issue No. 267] in exercise of powers under section 11(3) within one year of the insertion of the original entry prescribing concessional rate, so that it would have effect from the date of inception of the entry i.e. 21.09.2017. However, like other notifications issued on 26.07.2018 to give effect to other recommendations of the GST Council, the said notification also contained a

line in the last paragraph that the notification shall come into effect from 27.07.2018.

4. It is hereby clarified that the explanation having been inserted under section 11(3) of the TNGST Act, is effective from the inception of the entry at Sl. No. 3(vi) of the TN Notification No.II(2)/CTR/532(d-14)/2017, dated 29.6.2017 [Issue No. 202]) that is 21.09.2017. The line in TN Notification No. II(2)/CTR/662(a-5)/2018 dated 26.07.2018 [Issue No. 267] which states that the notification shall come into effect from 27.07.2017 does not alter the operation of the notification in terms of Section 11(3) as explained in para 3 above.

Sd/- T.V.Somanathan
Commissioner of State Tax
Tamil Nadu

To,


All the Joint Commissioners (ST) (Territorial) in the State including LTU

Copy to:-

1. Principal Secretary to Government, CT & R Department, Chennai 600 009
2. All Additional Commissioners, O/o the CCT, Ezhilagam, Chennai 600 005
3. The Joint Commissioner (CS) to host in the departmental website
4. The Director, CT Staff Training Institute, Chennai
5. The Secretary, TNSTAT, Chennai 104
6. All the Joint Commissioners (ST) (Intelligence) in the State
7. All Deputy Commissioners (ST) in the State including Intelligence
8. All the Heads of Assessment Circles

//forwarded / by / order//


Assistant Commissioner


23/12/19