

**GOVERNMENT OF TAMIL NADU
COMMERCIAL TAXES DEPARTMENT**

**PROCEEDINGS OF THE
AUTHORITY FOR CLARIFICATION AND ADVANCE RULING
(Under Section 48-A of TNVAT Act, 2006)**

**Present: 1. Dr. K. Manivasan, I.A.S.,
Commissioner of Commercial Taxes,
2. Thiru. R. Chandramohan, M.A.,
Additional Commissioner (PR)
3. Thiru. E. Rathinasamy, M.Sc., B.L.,
Additional Commissioner (RP) (FAC)**

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**A.C.A.A.R. 107/ 2012-13
(Acts Cell-II/4863/2013)**

Dated 14.08.2013

Ref: Application of Tvl.Qmax Test Equipments
Private Limited, No.6, Elcot Avenue, IT
Highway, Sholinganallur, Chennai - 600 119,
dated 14.02.2013.

An application has been filed by Tvl. Qmax Test Equipments Private Limited, No.6, Elcot Avenue, IT Highway, Sholinganallur, Chennai - 600 119 seeking clarification under Section 48-A of TNVAT Act, 2006 read with Rule 12-A of the TNVAT Rules, 2007.

2. The dealer is registered at Thiruvanmiyur Assessment Circle having TIN 33980923138.

3. The clarification is sought on the following in column 4 of Form V V:

**“Electronic incircuit functional test equipments /
PCB diagnostic equipment automated test
equipments”**

4. The dealer was requested to appear in person to explain the details of the product marketed by him. Accordingly, Thiru V. Anthony Dass, General Manager-Administration and Purchase, appeared on 13.08.2013 before the Authority and explained the features of the product.

5. It was stated by the dealer that the product is used to find fault in the Electronic printed circuit boards and components assembled in PCBs like integrated circuits, resistors, capacitor, relays etc. and added that in the absence of specific Entry in the VAT Schedule for the said

product, VAT is charged at 14.5% under the commodity code 301 and made a plea to classify the product under Part-B of the First Schedule taxable at 5% as most of the raw materials fall under IT products notified by Government taxable at 5% under TNVAT Act.

6. The issue has been examined in detail with reference to the provisions of the TNVAT Act and Rules and clarification is given as under:

7. Section 48-A of the TNVAT Act, 2006 provides for clarification on any point concerning rate of tax.

8. The dealer had sought clarification on **"Electronic incircuit functional test equipments / PCB diagnostic equipment automated test equipments"**.

9. The Test and Diagnostic Equipments are used to find fault in the electronic printed circuit boards and components assembled in PCBs like integrated circuits, resister, capacitor, relays etc.. The product sold by the dealer has independent existence and it is not an integral part of any system. Therefore, the equipments are considered as object or device not essential to itself but adding to the effectiveness of somethingelse. The product sold by the dealer does not find place in any of the entries in the Schedules. Therefore, it has to be classified as residuary item only taxable at 14.5% under Entry 69 of Part C of the First Schedule.

10. Entry 69 of Part-C of the First Schedule reads as follows:
"Any other goods, not specified in any of the Schedules"

11. Therefore **"Electronic incircuit functional test equipments / PCB diagnostic equipment automated test equipments"** are taxable at 14.5% under Entry 69 of Part C of the First Schedule as unclassified item.

12. The clarification therefore is that **"Electronic incircuit functional test equipments / PCB diagnostic equipment automated test equipments"** are taxable at 14.5% under Entry 69 of Part C of the First Schedule to the TNVAT Act, 2006.

Sd/- R. Chandramohan
Additional Commissioner (PR)

Sd/- E. Rathinasamy
Additional Commissioner (RP) (FAC)

Sd/- Dr. K. Manivasan
Commissioner of Commercial Taxes

To
Tvl.Qmax Test Equipments Private Limited,
No.6, Elcot Avenue,
IT Highway, Sholinganallur,
Chennai - 600 119.

Copy to:
The Assistant Commissioner (CT),
Thiruvanmiyur Assessment Circle.

The Joint Commissioner (CT),
Chennai (South) Division.

The Joint Commissioner (CS),
To host in the Department Website.

The Secretary to Government, Commercial Taxes & Registration
Department, Chennai-9.

All Joint Commissioners (CT) including Enforcement, LTU, MOU and ISIC.
All Deputy Commissioners (Territorial) and (Enforcement).
All Head of Officers (Assessment).
The State Representative, Sales Tax Appellate Tribunal, Chennai - 104.
The Addl. State Representative (AB), Chennai, Madurai and Coimbatore.
The Director, CTSTI, Greams Road, Chennai - 6.
The Executive Officer, Traders Welfare Board, Chennai - 5.
The Accountant General (Audit)-II, No.44, Greams Road, Chennai - 6.
The Additional Commissioners, Deputy Commissioners, Assistant
Commissioners and Commercial Tax Officers in CCT's Office.
Personal Clerk to the CCT.
Stock File3 / Act Cell II / Spare - 5.

/Forwarded/By order/


19/8/13
Commercial Tax Officer