

**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. Thiru Hemant Kumar Sinha, I.A.S.,  
Principal Secretary /  
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)**

\* \* \* \* \*

**A.C.A.A.R 23/ 2011-12**  
**D.Dis.Acts Cell II/305/2012**

**Dated 03.04.2012**

Ref: Application of Tvl.Sicagen India Ltd., 534, Anna Salai,  
Teynampet, Chennai-600 018 Dated Nil

**ORDER**

Tvl.Sicagen India Ltd., 534, Anna Salai, Teynampet, Chennai-600 018 (TIN: 33740081698) have filed an application and sought clarification and advance ruling on the following under section 48-A of TNVAT Act, 2006, read with rule 12-A of TNVAT Rules, 2006.

2. They sought clarification on the following in column 4 of Form 'VV':

**" Purchase and sale of used commercial vehicles "**

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

4. The Tamil Nadu Value Added Tax (Second Amendment) Act, 2011 came into force on 27.09.2011, by inserting a new section 48-A for the constitution of a State Level Authority for Clarification and Advance Ruling to clarify any point concerning the rate of tax.

5. The applicant sought clarification on **"Purchase and sale of used commercial vehicles"**. The used motor vehicles are taxable at the reduced rate of 5% with effect from 12-07-2011 as per notification No.II(1)/CTR/12(R- 25) /2011. The reduction in rate of tax to 5% in respect of tax payable under TNVAT Act 2006 by any dealer other

than dealer in asutomobiles including commercial vehicles, two wheelers and three wheelers on the sale of used motor vehicles which have suffered tax already either under the erstwhile TNGST Act 1959 or the TNVAT Act 2006 and registered within the State of Tamil Nadu under the Motor Vehicles Act 1988, subject to the condition that the dealer shall not be eligible to avail input tax credit.

6. The clarification therefore is that **"Sale of Used commercial vehicles"** are taxable at the reduced rate of 5% under TNVAT Act 2006 subject to the condition mentioned in Para 5 above.

Sd/- R.Chandramohan  
Additional Commissioner (PR)

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

Sd/- Hemant Kumar Sinha  
Principal Secretary /  
Commissioner of Commercial Taxes

To  
Tvl.Sicagen India Ltd.,  
534, Anna Salai,  
Teynampet, Chennai-600 018

Copy to:

Deputy Commissioner (CT)  
LTU Chennai

Joint Commissioner (CS), **To host in Department Website**

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

All Joint Commissioners (CT), including Enforcement and ISIC

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 Joint Commissioner (CT) , LTU

All Additional Commissioners, Deputy Commissioners, Assistant Commissioners,  
Commercial Tax Officers in CCT 's Office

Personal Clerk to the CCT

Stock file / Acts Cell II / Spare-5

//forwarded by order//

  
07/05/2012  
Commercial Tax Officer.