

**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)**

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**A.C.A.A.R 3/ 2011-12**

**Dated 03.04.2012**

**D.Dis.Acts Cell II/42193/2011**

Ref: Application of Tvl.Aerospace Engineers, The  
Salem Aeropark, National Highway 7,  
Ammapalayam Village, Mallur,  
Salem Dist – 636 203, Dated Nil

**ORDER**

Tvl. Aerospace Engineers, The Salem Aeropark, National Highway 7, Ammapalayam Village, Mallur, Salem Dist – 636 203 (TIN: 33642702887) have filed an application and sought clarification 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:

**“Components, Spares for Helicopters,  
Aircraft and Spacecrafts to Ministry of  
Defence Supplies”.**

3. The issue has been examined in detail with reference to provisions of the TNVAT Act and Rules and clarification 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 “Components, spares for Helicopters, Aircraft and Spacecrafts to Ministry of Defence supplies”.

6. There is no specific entry for parts of helicopter, aircraft and spacecrafts in any of the Schedules under TNVAT Act, 2006. Therefore, such items are to be treated as unclassified items only and for such unclassified items there is a residual entry in Part-C to First Schedule.

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

8. However, a notification reducing the rate of tax in respect of Central Government Departments is in existence. The Notification No.II(1) / CTR / 12(R-16) / 2011, dated 12.07.2011 reads as follows:-

"A reduction in rate of tax to 5% on the sale to the State and Central Government Departments including Indian Railways and Departments of other State Governments in Tamil Nadu of any goods which are taxable at a rate higher than 5% except Petrol, Diesel and Cement, subject to the condition that the dealer obtain and furnishes a prescribed certificate".

9. The applicant is effecting sale to Ministry of Defence only, a Central Government Department.

10. Therefore, the ruling is that, sale of components, spares for helicopters, aircraft and spacecrafts to Ministry of Defence, a Central Government Department is taxable at the reduced rate of 5% under TNVAT Act, 2006 with effect from 12.07.2011

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.Aero Space Engineers,  
The Salem Aero Park,  
National Highway 7,  
Ammapalayam Village,  
Mallur, Salem Dist - 636 203.

**Copy to:**

Assistant Commissioner (CT), Salem (Rural) Assessment Circle.  
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, LTU, MOU 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 Deputy Commissioner (CT), Salem

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//

  
Commercial Tax Officer.  
07/05/12