

**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)
* * * * ***

Acts Cell-II /35473/2012
(A.C.A.A.R. 34/2012-13)

Dated 20.02.2013

- Ref: 1. Proceedings of the Authority for Clarification and Advance Ruling in A.C.A.A.R 34/2012-13, dated 27.07.2012.
2. Order of the Hon'ble High Court of Madras in W.P.No.24896 of 2012, dated 20.09.2012.

REVIEW ORDER:

A clarification was given to Tvl.Vanjax Sales Private Limited, 230/11, Arakonam Road, Mevalurkuppam, Sriperumpudur to the effect that "Tractor mounted hydraulically operated coconut plucking machine" is taxable at 14.5% as unclassified item under Entry 69 of Part C of First Schedule to TNVAT Act, 2006 on 27.07.2012 in A.C.A.A.R.34/2012-13.

2. Aggrieved against the said clarification the dealer approached the High Court and the High Court in the order referred set aside the impugned proceedings of the Authority and remitted the matter to the Authority for Clarification and Advance Ruling for passing an appropriate order by providing an opportunity of personal hearing to the petitioner.

3. In accordance with the directions of the Hon'ble High Court of Madras, the dealers were summoned to appear on 05.02.2013. However, the dealers did not appear on that date. Hence, another opportunity was given to the dealers to appear on 19.02.2013. Accordingly, the dealer

appeared on 19.02.2013 and produced written submissions also for consideration.

4. The perusal of the written submissions filed by the Authorized Representative showed that the coconut harvesting equipment is a part / attachment / implement of a tractor and the said equipment has been designed by the dealer to be part / attachment of a tractor with power being derived through the Power Take Off (PTO) facility available in the tractor. Only when the tractor is in running condition PTO would work. Only from the PTO, power can be drawn for the equipment to function. The Aerial Access Platform (APF) for coconut harvesting is constructed with some special features to reach several trees while the tractor is in a stationery position. The unit is attached at the rear to the mounting bracket of the tractor using fasteners and clamps. The whole unit can be removed from the tractor, if required, so as to allow the tractor to be used for other agricultural purposes. The equipment has thus been designed so as to be capable of being operated and used only as part of or an attachment or implement of a tractor. It cannot be used elsewhere without substantial alterations to its mounting structure.

5. The clarification given earlier therefore was re-examined in the light of the above submissions.

6. The facts placed before the Authority and the various pictures produced for scrutiny showed that the coconut plucking equipment is only an attachment to the tractor. In view of the above fact, the clarification already given by the Authority on 27.07.2012 in A.C.A.A.R.34/2012-13 requires modification.

7. The Authority after reviewing the clarification already issued decides that **Tractor mounted hydraulically operated coconut plucking machine** is an attachment of a tractor only and hence taxable at 5% under Entry 140 of Part B of the First Schedule to the TNVAT Act.

8. The clarification issued in A.C.A.A.R.34/2012-13, dated 27.07.2012 is modified to the extent mentioned in para 7.

Sd/- R.Chandramohan
Additional Commissioner (PR)

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

Sd/- K. Manivasan
Commissioner of Commercial Taxes

To

Tvl. Vanjax Sales Private Limited,
230/11, Arakonam Road,
Mevalurkuppam,
Sriperumpudur

Copy to:

The Assistant Commissioner (CT)
Villivakkam Assessment Circle.

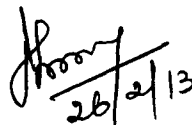
The Joint Commissioner (CT),
Chennai (South) Division.

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

Government, Commercial Taxes & Registration Department,
Chennai – 9.

All Joint Commissioners (CT) including Enforcement, LTU. MOU and ISIC
All Deputy Commissioners (CT), Territorial, Assessment and Enforcement
All Head of Offices (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,
Commercial Tax Officers in CCT's Office
Personal Clerk to the CCT.
Stock File3 / Act Cell II / Spare – 5.

//forwarded by order//


26/2/13
Commercial Tax Officer.