

**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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Act Cell-II/41223/2012
(A.C.A.A.R.55/12-13)

Dated 20.02.2013

- Ref: 1. Review application filed by Tvl.Lakshmi Chain Works, 112/120, Appu Chetty Street, Shevapet, Salem – 636 002,
2. Proceedings of the Authority for Clarification and Advance Ruling in A.C.A.A.R.55/2012-13, dated 26.10.2012

REVIEW ORDER:

The Authority for clarification and Advance Ruling in its order A.C.A.A.R.55/2012-13, dated 26.10.2012 had clarified that "Vertical downloading casting machinery" sold by the dealers are taxable at 14.5% under Entry 69 of Part C of the First Schedule.

2. Aggrieved against the said clarification, the dealer has filed an application before the Authority under Section 48-A(4) to review the clarification given earlier that Vertical downloading casting machinery is taxable at 14.5% under Entry 69 of Part C of the First Schedule.

3. In response to the notice issued on 22.01.2013 for a personal appearance, Thiru.V.Natarajan and Thiru.V. Ramakrishnan, Authorized Representative appeared in person on 05.02.2013 and put forth their contentions. The issue has been examined in detail with reference to the details furnished by the dealer and the provisions of the Act and Rules.

4. The Authority had considered the issue earlier and clarification was given to the effect that Vertical downloading casting machinery has not been specified in the Schedules to TNVAT Act and considering that the said machinery meant for resale will attract tax liability at 14.5% under Entry 69 of Part C of the First Schedule.

5. It was stated by the dealer that the Vertical downloading casting machinery sold by them is meant for manufacturing copper rod etc., from copper scraps and hence it comes within the ambit of capital goods..

6. The clarification given earlier therefore was re-examined in the light of the above observations. It is seen from the details furnished by the dealer seeking clarification earlier that no details were furnished as to the sale of machinery. Therefore, it was concluded that the Vertical downloading casting machinery is taxable at 14.5% under Entry 69 of Part C of the First Schedule.

7. The Authority after reviewing the clarification already issued and the details furnished by the Authorized Representative at the time of hearing decides that Vertical downloading casting machinery are taxable at 14.5% under Entry 69 of Part C of the First Schedule if sold to a trader and at 5% under Entry 25 of Part B of the First Schedule if sold to a manufacturer, subject to the conditions stipulated in Section 2(11) of the TNVAT Act.

8. The clarification issued in A.C.A.A.R.55/2012-13, dated 26.10.2012 is modified to the extent as indicated in para 7.

Sd/-R.Chandramohan Sd/-E. Rathinasamy Sd/- K. Manivasan
Additional Commissioner (PR) Additional Commissioner(RP)(FAC) Commissioner of Commercial Taxes

To

Tvl. Lakshmi Chain Works,
112/120, Appu Chetty Street,
Shevapet,
Salem – 636 002,

Copy to:

The Assistant Commissioner (CT)
Shevapet Assessment Circle.

The Joint Commissioner (CT)
Salem 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.

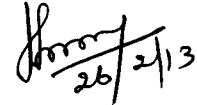
The Additional Commissioners, Deputy Commissioners, Assistant
Commissioners,

Commercial Tax Officers in CCT's Office

Personal Clerk to the CCT.

Stock File3 / Act Cell II / Spare – 5.

//forwarded by order//



Commercial Tax Officer.