

**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)**

**\* \* \* \* \***

**A.C.A.A.R 77/ 2012-13**

**Dated 20.02.2013**

- Ref: 1. Application of Tvl.Genlite Engineering Private Limited, F-63, SIPCOT Industrial Park, Irungattukottai, Sriperumpudur Taluk, Kancheepuram Dist, dated 12.11.2012.
2. CCT Letter No.Act Cell-II/36276/2012, dated 22.01.2013.

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Tvl.Genlite Engineering Private Limited, F-63, SIPCOT Industrial Park, Irungattukottai, Sriperumpudur Taluk, Kancheepuram Dist (TIN: 33591663802) have filed an application and sought clarification under Section 48-A of the TNVAT Act, 2006 read with Rule 12-A of the TNVAT Rules, 2007.

2. The clarification was sought on the following in column 4 of Form V V:

**“Generating sets used for producing electricity”.**

3. It was stated that the rate of tax for generators were reduced from 12.5% to 4% with effect from 01.04.2008 indicating that the sale of generators alone are taxable at the reduced rate of 4% without making any mention about generating sets both of which are functionally same

with reference to production of electricity. In the application it was stated that diesel generating sets comprises of alternators diesel engine control panel, battery, fuel tank and silent enclosure used for producing electricity as standby, continuous power supply unit during power shortage / power cuts / load shedding and sought for clarification on generating set manufactured by them.

4. Thiru.C.B.Siromoni, Authorised Representative appeared for the personal hearing on 05.02.2013 and put forth the claims.

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

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

7. The dealer has sought clarification on "**Generating sets**".

8. "Generator, Generating sets and non-electronic voltage stabilizers" are taxable at 14.5% under Entry 39 of Part C to First Schedule. However, "Generators used for producing electricity" are taxable at the reduced rate of 4% with effect from 01.04.2008 and at 5% with effect from 12.07.,2011. The dealer sought clarification on "Diesel Generator Set". By Notification No. II (1) / CTR/ 35(b-2)/2012, dated 8.12.2012 (G.O.Ms.No.154, dated 08.12.2012), the tax payable by any dealer on the sale of Generating sets (Gen-sets) used for producing electricity was reduced to 5% from 14.5%. Therefore, generator sets used for producing electricity are taxable at the reduced rate of 5% from 07.12.2012 and 14.5% upto 06.12.2012.

9. The clarification, therefore, is that "**Generating sets**" are taxable at the reduced rate of 5% on and from 07.12.2012 and at 14.5% upto 06.12.2012.

Sd/- R.Chandramohan  
Additional Commissioner (PR)

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

Sd/- K. Manivasan  
Commissioner of Commercial Taxes

To  
Tvl.Genlite Engineering Private Limited,  
F-63, SIPCOT Industrial Park,  
Irungattukottai, Sriperumpudur Taluk,  
Kancheepuram Dist

Copy to:

The Assistant Commissioner (CT)  
Sriperumpudur Assessment Circle,  
Chennai.

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 (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.

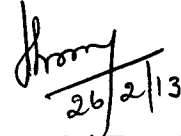
The Additional Commissioners, Deputy Commissioners, Assistant  
Commissioners,

Commercial Tax Officers in CCT's Office

Personal Clerk to the CCT.

Stock File3 / Act Cell II / Spare – 5.

/forwarded by order/



Handwritten signature of J. Prasad, dated 26/2/13.

Commercial Tax Officer