

**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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**A.C.A.A.R 94/ 2012-13**

**Dated 06.02.2013**

Ref: Application of Tvl. Success Marketing, No.19,  
Malles Manor, Ground Floor, Periyar Road,  
T.Nagar, Chennai - 600 017 dated  
02-11-2012.

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Tvl. Success Marketing, No.19, Malles Manor, Ground Floor, Periyar Road, T.Nagar, Chennai - 600 017 (TIN: 33901523612) 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:

**"LPG Gas".**

3. In the application filed the dealers have sought clarification on LPG Gas. It was also stated that they are supplying commercial LPG cylinders in Tamil Nadu and requested for the applicable tax rate.

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

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

6. The dealer has sought clarification on LPG Gas.

7. Exemption is available in respect of tax payable by an oil company as defined in Explanation III to the Second Schedule to another oil company listed in the above mentioned Explanation or from the said oil companies to a distributor in Tamil Nadu on the sale of LPG for domestic use in the State. In addition, second and subsequent sale of LPG for domestic use purchased from the said oil companies to the consumer by any distributor is also exempted from tax. Further, sale of LPG Gas for domestic use purchased from the said oil companies and sold to a consumer at the first point of sale in the State is also exempted from tax. Therefore, LPG for domestic use in the State is exempted from tax with effect from 1.7.2011. However, LPG for commercial purposes is taxable at 14.5% as unclassified item.

8. The clarification, therefore, is that sale of LPG Gas for domestic use is exempted from tax in respect of purchases effected only through an oil company as defined in Explanation III to the Second Schedule of the TNVAT Act and commercial LPG Gas is taxable at 14.5% under Entry 69 of Part C of the First Schedule to the TNVAT Act.

Sd/- R.Chandramohan  
Additional Commissioner (PR)

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

Sd/- K. Manivasan  
Commissioner of Commercial Taxes

To

Tvl. Success Marketing,  
No.19, Malles Manor, Ground Floor,  
Periyar Road,  
T.Nagar, Chennai – 600 017

Copy to:

The Assistant Commissioner (CT)  
T.Nagar (North) Assessment Circle, Chennai

The Joint Commissioner (CT),  
Chennai (Central) 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.

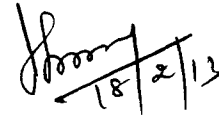
The Additional Commissioners, Deputy Commissioners, Assistant Commissioners,

Commercial Tax Officers in CCT's Office

Personal Clerk to the CCT.

Stock File3 / Act Cell II / Spare – 5.

//forwarded by order//

A handwritten signature in black ink, followed by a vertical line and the date '18/2/13' written below it.

Commercial Tax Officer.