

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

**PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION
AND ADVANCE RULING**

ACAAR No. 120/2014-15
Acts cell – II/2925/2015

Dated:14.07.2015

- Present:**
1. Thiru. K.Rajaraman, I.A.S.,
Principal Secretary/Commissioner of Commercial Taxes.
 2. Thiru. R.Vayanaperumal,
Additional Commissioner (CT), (Public Relation)
 3. Thiru. K.Mahalingam,
Additional Commissioner (CT), (Revision Petition)

1.	Name and address of the Applicant	:	Tvl. Himalaya Drug Company, No.1 Thiru-Vi-Ka Road, Chennai - 600002
2.	Registration Certificate No.	:	TIN: 33820620101 CST: 31868
3.	Name of the Assessment Circle		Annasalai Assessment Circle
4.	Date of application	:	02.02.2015
5.	Date of receipt of application	:	03.02.2015
6.	Clarification sought for	:	Rate of tax on "Prickly Heat Baby powder"
7.	Date of Personal Hearing	:	12.03.2015
	Represented by	:	Thiru. K. Rangarajan, Depot Manager

ORDER

Tvl. Himalaya Drug Company., Chennai – 600002, (TIN: 33820620101), the registered dealer in Annasalai Assessment Circle have preferred application in Form 'VV' and sought clarification under Section 48-A (1) of the TNVAT Act, 2006, read with Rule 12-A of TNVAT Rules, 2007.

2. The applicant-dealers have sought for clarification concerned with the rate of tax on **"Prickly Heat Baby powder"**.

3.1. The issue has been examined in detail with reference to the relevant provisions of TNVAT Act, 2006 and Rules, 2007 and the relative entries under Part B of first Schedules to the TNVAT Act, 2006. Section 48-A of TNVAT Act, 2006 provides for clarification on any point concerned with rate of tax for commodities.

3.2. The applicant-dealers have sought for clarification regarding rate of tax on **"Prickly Heat Baby powder"**. Since the product is manufactured as a proprietary Ayurvedic medicine under drug License No. Aus. 83 as issued by licensing authority Department Ayush, Bangalore (Government of Karnataka) and as per Ayurvedic pharmacopeia.

3.3 The applicant-dealers have sought for personal hearing. The Authority for Clarification and Advance Ruling have convened a meeting for hearing on 28.04.2015 at 10.00 AM and the applicant-dealers were informed in writing to appear before the Authority on the above said date. The representative has represented the Company before the Authority on 28.04.2015 and placed the facts relating to the clarification requested. The authorized representative for the applicant-dealers has reflected the grounds as given in the annexure to the application.

3.4. The dealer produces the "Prickly Heat Baby powder" as a proprietary Ayurvedic medicine under drug License No. Aus. 83 as

issued by licensing authority Department Ayush, Bangalore (Government of Karnataka) and as per Ayurvedic pharmacopeia. Hence the "Prickly Heat Baby powder" is construed to fall under Entry **"Drugs and Medicines including vaccines, syringes and dressings, medicated ointments produced under drugs licence"** in SI.No.44 of part B of First Schedule to the TNVAT Act 2006 and Rules 2007.

4. It is therefore that the **"Prickly Heat Baby powder"** which is a **Medicated Ayurvedic drug produced under drugs licence is liable to tax at 5% as a drug/medicine under Entry 44 with the description "Drugs and Medicines including vaccines, syringes and dressings, medicated ointments produced under drugs licence" in Part B of First Schedule to the TNVAT Act, 2006.**

Dated this the Fourteenth day of July 2015.

Sd/- R. Vayanaperumal,
Additional Commissioner (PR)

Sd/- K. Mahalingam,
Additional Commissioner (RP)

Sd/- K. Rajaraman,
Principal Secretary/
Commissioner of Commercial
Taxes

To

Tvl. Himalaya Drug Company,
No.1 Thiru-Vi-Ka Road,
Chennai - 600002

Copy to:
The Assistant Commissioner (CT)
Anna salai Assessment Circle, Chennai.

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

The Joint Commissioner (CS)

To host in the Department Website

The Principal 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, Greaves Road, Chennai – 6.

The Executive Officer, Traders Welfare Board, Chennai – 5.

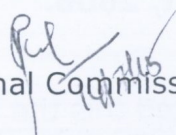
The Accountant General (Audit)-II, No.44, Greaves Road, Chennai – 6.

The Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Commercial Tax Officers in CCT's Office.

Personal Clerk to the CCT.

Stock File3 / Acts Cell-II / Spare – 5.

//Forwarded/By order//


Additional Commissioner (PR)