

**GOVERNMENT OF TAMILNADU
COMMERCIAL TAXES DEPARTMENT**

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

ACAAR No.09/2015-16
Acts cell-II/11903/2015

Dated:09.09.2015

Present: 1.Thiru. K.Rajaraman, I.A.S.,
Principal Secretary / Commissioner of Commercial Taxes.

2.Thiru. R.Vayanaperumal,
Additional Commissioner (CT), (Public Relations)

3.Thiru. K.Mahalingam,
Additional Commissioner (CT), (Revision Petitions)

1	Name and address of the Applicant	: Tvl. Rajsun Enterprises, No. 164,Mahatma Gandhi Road,Tvk Co-Operative nagar, Thiruverkadu, Chennai - 600077.
2.	Registration Certificate No.	: TIN.No.33881666892 CST. 1049700
3.	Assessment Circle	: Sriperumbudur Assessment Circle,
4.	Date of application	: ---
5.	Date of receipt of application	: 15.04.2015
6.	Clarification sought for	: Readymade Underwear garments made of Nylon and Elastane
7.	Date of Personal Hearing	: 17.08.2015
8.	Represented by	: Thiru. Somasundaram, Authorized Representative

ORDER

Tvl. Rajsun Enterprises, Chennai - 600077 (TIN.No. 33881666892), the registered dealers in the files of Sriperumbudur 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.

2.1. The applicant-dealers have sought for clarification on the following:

Rate of Tax "**Readymade Underwear garments made of Nylon, Spandex and Elastane**"

2.2. The applicant-dealer stated that they import these Readymade Underwear Garments and marketed the above underwear garments in the name of (a) Slim N Lift Aire, (b) Genie Bra, (c) Lipo Dress, (d) Slim N Lift Men, (e) Slim N Lift Comfort.

3.1. The issue has been examined in detail with reference to the provisions of TNVAT Act, 2006 and Rules 2007 and the relative entries regarding the commodities classified under the First and Fourth Schedule 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 personal hearing. The Authority for Clarification and Advance Ruling have convened a meeting for hearing on 17.08.2015 at 04.00 PM and the applicant-dealers were informed in writing to appear before the Authority on the above said date. Thiru. Somasundaram, Authorized Representative has represented the Company before the Authority on 17.08.2015 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.

3.3. The applicant dealer had sought for clarification regarding rate of tax on "**Readymade Underwear garments made of Nylon, Spandex and Elastane**". The Entry in S.No.115 of Part-B of First Schedule with description "**Readymade Garments**" is wide enough to

hold the **"Readymade Underwear garments made of Nylon, Spandex and Elastane"**. Hence, the readymade under wear garments marketed by the dealer in the following names: (a) Slim N Lift Aire, (b) Genie Bra, (c) Lipo Dress, (d) Slim N Lift Men, (e) Slim N Lift Comfort are taxable at 5% under Entry-115 of Part-B of First Schedule to the TNVAT Act, 2006.

4. It is therefore clarified that the **"Readymade Underwear garments made of Nylon, Spandex and Elastane"** are liable to tax at 5% as per Entry in S.No.115 of Part B of First Schedule to the TNVAT Act 2006.

Dated this the Ninth day of September 2015.

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

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

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

To

Tvl. Rajsun Enterprises,
No. 164, Mahatma Gandhi Road,
Tvk Co-Operative nagar,
Thiruverkadu
Chennai - 600077.

Copy to:
The Assistant Commissioner (CT)
Sriperumbudur Assessment Circle

The Joint Commissioner (CT),
Chennai (South) 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, 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 File 3/ Acts Cell-II /Spare - 5.

//Forwarded/By order//


Additional Commissioner (PR)