



**PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION AND
ADVANCE RULINGS, BANGALORE.**

- Present: 1. **Sri.M.D. Jain,**
Additional Commissioner of
Commercial Taxes
(Head Quarters)-1, Bangalore. Chairman.
2. **Sri.H.D.Arun Kumar,**
Additional Commissioner of
Commercial Taxes (Policy &
Law), Bangalore. Member.
3. **Sri.Jagadish Prasad,**
Additional Commissioner of
Commercial Taxes (GST),
Bangalore. Member.

No.AR.CLR.CR.44/12-13.

Dated: 23-08-2013

Name and address of the Applicant	M/s.Ananda Industries, 6/1, Slaughter House Road, Near Nazz Complex, Bangalore - 560 002.
TIN	29610076355
Jurisdictional LVO on whose files the Applicant is borne	LVO-110, Bangalore.
Nature of activity of the Applicant	Manufacturers of pulveriser beater tools
Represented by	Sri.K.S. Ramkumar, Chartered Accountant

ORDER UNDER SECTION 60(4) OF THE KVAT ACT, 2003

1. The Applicant M/s.Ananda Industries, 6/1, Slaughter House Road, Near Nazz Complex (N.R. Road), Bangalore - 560 002 is a registered dealer under the provisions of the KVAT Act, 2003 with TIN 29610076355 borne on the files of the Assistant Commissioner of Commercial Taxes, LVO-110, Bangalore. The Applicant has filed an Application under Section 60 of the KVAT Act, 2003 before this Authority for Clarification and Advance Ruling seeking clarification on rate of tax applicable on the sale of "Pulveriser Grinder Beater Tools or Grinder Beater or Hammer" under the KVAT Act, 2003.

2. After receipt of the Application in Form VAT 540 from the Applicant, the Applicant was provided an opportunity of personal hearing. Accordingly, notice was issued under Rule 165(15)(e) of the KVAT Rules, 2005, posting the Application for hearing on 21.6.2013. Responding to this notice, Sri.K.S.Ramkumar, Chartered Accountant, duly authorized by the Applicant appeared and argued the case. The learned Chartered Accountant filed further written arguments along with copies of Notifications issued under the KVAT Act, 2003.

3. In the written arguments, the appellant has drawn attention to the Clarification No.KTEG/CLR/CR-07/2012-13 dated 22.9.2012 wherein it is clarified that flour milling pulveriser is liable to entry tax at 2% under Sl.No.7 of the table in the Notification No.FD 11 CET 2002 dated 30.3.2002. The Applicant sells Beater tool Hammer which is used as part of pulveriser. On a combined reading of the above clarification and the entry in Sl.No.7 of the notification, it can be safely concluded that pulverisers answer to the description as in Sl.No.7 cited above. As per Notification No.FD 116 CSL 2006 (8) dated 31.3.2006, goods falling under Chapter 8462 of the Central Excise Tariff Act are liable to tax at 5.5% under Entry No.93(8) of Third Schedule.

