



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

Presented by **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.R.Jagadish Prasad,**
Additional Commissioner of
Commercial Taxes (GST),
Bangalore. Member.

No.AR.CLR.CR.22/13-14.

Dated: 19.9.2013

Name and address of the Applicant	M/s.Jodhani Papers Limited, No.32 & 33, KIADB Industrial Area, Near Factory Circle, Bashettihalli, Doddaballapur - 560 208.
TIN	29040215330
Jurisdictional LVO on whose files the Applicant is borne	LVO-153.
Nature of activity of the Applicant	Manufacture of paper
Represented by	Sri.Sanjay Dhariwal, Chartered Accountant.

ORDER UNDER SECTION 12-C OF THE K.T.E.G. ACT, 1979

1. The Applicant M/s.Jodhani Papers Limited, No.32 & 33, KIADB Industrial Area, Near Factory Circle, Bashettihalli, Doddaballapur is a registered dealer under the provisions of the KVAT Act, 2003 with TIN 29040215330 borne on the rolls of the Assistant Commissioner of Commercial Taxes, LVO-153, Bangalore. The Applicant has filed an Application under Section 12-C of the KTEG Act, 1979 before this Authority for Clarification and Advance Ruling seeking clarification about the applicability or otherwise of the entry tax on the causing entry of machinery, parts and accessories thereof, synthetic fabric wire felts and dryer (falling under textile as per CET Code 5911) for use in the manufacture of paper.

2. After receipt of the Application in Form 43 from the Applicant, the Applicant was provided an opportunity of personal hearing. Accordingly, notices were issued under Rule 165(15)(e) of the KVAT Rules, 2005, posting the case for hearing on 22.8.2013. Responding to the notice issued, Sri.Sanjay Dhariwal, Chartered Accountant, duly authorized by the Applicant appeared and represented the case. The learned Chartered Accountant made written additional submissions and requested for clarification sought by the Applicant.

3. In the additional submissions made by the learned Chartered Accountant, it is inter-alia submitted as under:

The Applicant submits that the words "consumption" used in the explanation 1 of Not No.FD 11 CET 2002 (1) dated 30.3.2002 has no limitation or the act of consumption is not defined whereas with regard to nature and type of use, the word "use" has limitation or the act of use has been defined. That is, any notified goods under Sl.No.2, 3,4,7,8 & 9 of the said notification should be used as raw materials or component parts or inputs in the manufacture of finished or semi-finished product. The view of the Applicant is supported by the Honorable Apex Court decision in the case of Anwar Mehboob Co., 11 STC 698 (SC).

