

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF TAXES:::ASSAM:::GUWAHATI

ORDER

Dated Dispur, the 3rd August 2015.

No. CTS-50/2011/549:- Emami Ltd. has filed a petition under section 105 of the AVAT Act, 2003, in form 76 of the AVAT Rules, 2005 seeking a clarification as to whether single 'C' Form received by Emami Ltd. from out-state buyers covering the inter-State sales transactions made by them through thier different wings like depot and EPIP, Amingaon manufacturing unit and Abhayapuri manufacturing unit will meet the legal requirement under the Central Sales Tax Act, 1956.

Mr. Sanjay Kr. Sureka, an authorized representative of M/s Emami Ltd., appeared and submitted that the two manufacturing units under exemption had obtained separate registrations as per provision of Rule 13 (18) of the AVAT Rules, 2005.

He further submitted that so far as the purchasers of other states are concerned for them Emami Ltd. is a single entity irrespective of the fact whether supplies are made from Depot of Emami Ltd, or from the manufacturing units of Emami Ltd.

Perused the submissions. It is found that in view of the provisions of rule 13 (18) of the AVAT Act, the manufacturing unit of Emami Ltd. obtained separate registrations both under the AVAT Act and the CST Act. However, obtaining of such separate registrations for manufacturing units does not mean that legally the manufacturing units of Emami Ltd. have got separate legal existence. One manufacturing unit cannot sell goods to other unit or depot or vice-versa because of the fact that it is a single legal entity.

Ideally, M/s Emami Ltd. should have obtained separate 'C' Forms for inter-State sales made through its depot and manufacturing units as they have separate registrations.

However, the very object and purpose of Form 'C' is to establish the fact that inter-State sales transactions mentioned therein are made to registered dealers of other states and production of such 'C' Form enable the selling dealer to avail the benefit of concessional rate of tax. Considering this aspect in mind and given the fact that the seller i.e.Emami Ltd., being a single entity, has obtained single/consolidated 'C' Forms from its out state buyers covering sale transactions made during a quarter by its depot as well as two manufacturing units and to avoid practical difficulties arising out of the situation, it is hereby clarified that such single/consolidated 'C' Forms shall be considered to be valid for the purpose of assessments against all such registrations. Emami Ltd. will, however, file a separate annexure with every 'C' Form certifying the invoice- wise sale pertaining to depot and two manufacturing units. Original 'C' Forms will be kept in the case records of Emami Ltd. (Depot) and photocopies of the 'C' Forms along with annexures will be kept in the case records of the two manufacturing units with a brief reference to the file in which original 'C' Forms are kept.

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It is, however, clarified that the above arrangement shall be applicable for inter-State transactions made upto 31st March, 2015. In respect of inter-State sales made from 1st April, 2015 onwards by M/s Emami Ltd. through its Depot and manufacturing units separate 'C' Forms will be required. Needless to say that this clarification is applicable to this matter only as it is based on the facts of the instant case.


Sd/-
(Dr Ravi Kota),
Commissioner of Taxes, Assam,
Guwahati.

Memo CTS-50/2011/549-A

Dated Dispur, the... 3rd th August, 2015.

Copy to:-

1. The Principal Secretary to the Government of Assam, Finance Department, Dispur for favour of kind information.
2. The Additional Commissioners of Taxes/ Joint Commissioners of Taxes (All), Head Office for information.
3. The Deputy Commissioner of Taxes , (All) for information.
4. The Assistant Commissioner of Taxes, (All) for information.
5. M/s Emami Ltd., C/o V.K. Sureka & Co., Zaman Market, Jail Road, Guwahati for information.


(A Choudhury)
Joint Commissioner of Taxes, Assam,
Dispur, Guwahati-6.

MADE
03/08/15