

GOVERNMENT OF ASSAM  
OFFICE OF THE COMMISSIONER OF TAXES::ASSAM::KAR BHAWAN  
DISPUR.GUWAHATI.  
&&&

ORDER

Dated Guwahati, the 24th May, 2010.

No.CTS-77/2007/245 : M/s Selab India, 93, Tarun Nagar, Main Road, Guwahati-5 has filed an application under section 105 of the Assam Value Added Tax Act, 2003 seeking clarification on the whether entry tax is leviable on import of chemicals namely-

Sl. No.	Name	Sl. No.	Name	Sl. No.	Name
1.	Barium Sulphate	10.	Eucalyptus Oil	19.	Potassium Permanganate
2.	Benzyl Benzoate	11.	Glycerin	20.	Sodium Bicarbonate
3.	Bleaching Powder	12.	Kaolin Light	21.	Sodium Citrate
4.	Borax	13.	Liquid Paraffin Light	22.	Sodium Salicylate
5.	Boric Acid	14.	Magnesium Carbonate Light	23.	White Petroleum Jelly
6.	Calcium Lactate	15.	Magnesium Sulphate	24.	Zinc Oxide
7.	Chaulmoogra Oil	16.	Magnesium Trisilicate	25.	Turpenitine Oil
8.	Castor Oil	17.	Menthol		
9.	Citric Acid	18.	Potassium Citrate		

which are re-packaged into smaller quantity from bulk quantity without changing the brand name and tax under the Assam Value Added Tax Act, 2003 is paid on such items.

Mr. Bijan Kumar Seal, Managing Partner appeared on behalf of the petitioner. Meanwhile Superintendent of Taxes concerned has also conducted a survey and submitted a report. It appears from the report of the Superintendent of Taxes that the petitioner repackages certain items, namely-

**Repackaging items**

Sl. No.	Name	Sl. No.	Name	Sl. No.	Name
1.	Glycerin	5.	Castor Oil	9.	White Petroleum jelly
2.	Menthol	6.	Liquid Paraffin	10.	Magnesium Sulphate
3.	Magnesium Trisilicate	7.	Oil Eucalyptus	11.	Potassium Permanganate
4.	Turpentine Oil	8.	Boric Acid	12.	Barium Sulphate

and at the same time they also manufacture certain items namely -

Manufacturing items

1. Terpentime Liniment I.P.
2. Scabilon
3. Borax glycerin I..P

Raw materials

- Camphor, turpentine oil  
Wax, Benzyl Benzoate I.P.  
Borax powder, glycerin.

The petitioner has both repacking licence as well as manufacturing license.

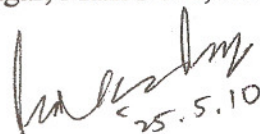
It is, therefore, clarified that the chemicals imported by the petitioner for repackaging on which they are paying tax under the Assam Value Added Tax Act,2003 shall not be exigible to tax under the Assam Entry Tax Act,2008 as per provisions of Sec.3(2). However, petitioner shall be liable to pay entry tax on import of chemicals which are used in manufacture of medicine. It is also seen that certain chemicals are used for both repacking and manufacture of medicine. In such a situation, entry tax shall be payable on the that portion of chemicals which are used in the process of manufacture.

Sd./- Sanjay Lohiya,  
Commissioner of Taxes, Assam,  
Guwahati-6.

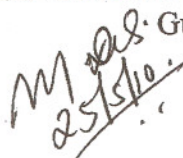
Memo No.CTS/77/2007/245-A

Dated Guwahati, the <sup>25</sup>th May,2010.

- Copy to :
1. The Principal Secretary to the Government of Assam, Finance Department, Dispur,Guwahati-6 for favour of kind information of the Government.
  2. The Addl. Commissioners of Taxes/Joint Commissioners of Taxes(All) for information.
  3. The Deputy Commissioner of Taxes (All) for information.
  4. The Assistant Commissioner of Taxes, Superintendent of Taxes(all) for information.
  5. SELAB INDIA, "Biprajeet", 93, Tarun Nagar, Main Road,Guwahati-781005 for information.

  
25.5.10

( M.H.A. Choudhury ),  
Addl. Commissioner of Taxes,Assam,  
Guwahati-6.

  
25/5/10