

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

ORDER

Dated Guwahati the 7th February, 2011

No. CTS-21/2005/172 : M/s. Pragati Consumers Co-Operative Store Ltd. 4, B.B.D. Bag East, Room No. 88, 5th Floor, Stephen House, Kolkata-1 filed an application under section 105 of the Assam Value Added Tax Act, 2003. seeking clarification on rate of tax on second hand textile machinery.

Shri G.K. Joshi, Sr. Advocate and Shri R.K. Joshi, Advocate appeared on behalf of the petitioner and placed their submission. They submitted that the petitioner has purchased second hand imported textile goods manufacturing machine on E-auction through MSTC from the Commissionerate (preventive) of Customs NE region. As per entry No.15 of the Second Schedule of the Assam Value Added Tax Act, 2003, the rate of tax on machinery is 5%. As such the goods purchased by them should also be taxable @ 5%. Shri Joshi also submitted that entry No.15 includes all machinery irrespective of whether the machinery is new or old.

Perused the submission. The entry at Sl. No. 15 of Part-A of Second Schedule reads as "Machinery used in manufacturing goods and parts thereof including moulds" the item under dispute is second hand imported textile goods manufacturing machine i.e. machinery used in manufacturing goods. As such the item shall be covered under entry at Sl. No. 15 of the Part-A of Second Schedule appended to the Assam Value Added Tax Act, 2003 and shall be taxable @ 5%.

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

Dated Dispur, the 14th February, 2011.

Memo No. CTS-21/2005/172 -A
Copy to :-

1. The Principal Secretary to the Govt. of Assam, Finance Department, Dispur, Guwahati - 6 for favour of kind information of the Government.
6. The Addl. Commissioner of Taxes/Joint Commissioners of Taxes (All) for information.
7. The Deputy Commissioner of Taxes (All) for information.
8. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information.
9. M/s. Pragati Consumers Co-Operative Store Ltd. 4, B.B.D. Bag East, Room No. 88, 5th Floor, Stephen House, Kolkata-1 for information.


(M. H. A. Choudhury),

Addl. Commissioner of Taxes, Assam,
Dispur, Guwahati-6.
