

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

ORDER  
Dated Dispur, the ~~19<sup>th</sup>~~ May, 2012

No. CTS-2/2009/235 : M/s Nano Steel Pvt. Ltd., Integrated Infrastructural Development Centre, Rangia, Dist Kamrup (Assam) has filed an application under Section 105 of the Assam Value Added Tax Act, 2003 seeking clarification on the rate of tax on Bamboo Ply and Bamboo Boards after 31.3.2012.

Bikash Khemka, Director and Binit Todi, C.A. appeared on behalf of the petitioner and filed his submission. They submitted that both the items fall under Sl.109 of Second Schedule i.e. Plywood, Block Board and Decorative Plywood and therefore the rate of VAT is 5%. They also submitted that their unit is manufacturing Bamboo Ply and Bamboo Boards. The items were exempted via Notification No. FTX.55/2005/80 dt. 28.9.2010 which states that exemption is applicable to small scale industries and medium scale industries. Their unit being a small scale industry qualified for the exemption. They were enjoying exemption till 31.3.2012. After expiry of the said Notification they are required to pay tax and hence they sought for clarification on rate of tax of the said items.

Perused their submission and entries at Sl. No.109 of part-A of Second Schedule of the Assam Value Added Tax Act, 2003 is examined. As per the said entry Plywood, Block Board and Decorative Plywood are taxable @5%. The items manufactured by the petitioner is not Plywood but Bamboo Ply and Bamboo Board. Both are different items while Plywood, Block Board are made from wood, Bamboo Ply and Bamboo Board is made from Bamboo. Hence, both these items shall not be covered by entry at Sl. No. 109.

On examination of the Schedules of AVAT Act, 2003, it appears that both the items are unspecified items. Hence shall not come under First Schedule, Second Schedule, Third Schedule and Fourth Schedule. Therefore, it is clarified that Bamboo Ply and Bamboo Board are covered under entry at Sl. No.1 of the Fifth Schedule of the AVAT Act, 2003 and hence taxable @13.5%.

Sd/- Dr. J.B. Ekka ,  
Commissioner of Taxes, Assam,  
Guwahati-6.

Memo No. CTS-2/2009/235 -A

Dated Dispur, the 23 May 2012.

- 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. M/s Nano Steel Pvt. Ltd., Integrated Infrastructural Development Centre, Rangia, Dist Kamrup (Assam) for information

  
(R.D. Borah),

Joint Commissioner of Taxes, Assam,  
Guwahati-6.