

DEPARTMENT OF COMMERCIAL TAXES, KERALA
PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION
U/s.94 OF THE KERALA VALUE ADDED TAX ACT, 2003.

Members present are:

1. Suchala Kumar. S.K.
Joint Commissioner (General),
Office of the Commissioner of Commercial Taxes,
Thiruvananthapuram.

2. C. Lalappan.
Joint Commissioner (Audit & Inspection),
Office of the Commissioner of Commercial Taxes,
Thiruvananthapuram.

3. P.S. Soman.
Joint Commissioner (Law),
Office of the Commissioner of Commercial Taxes,
Thiruvananthapuram.

Sub: KVAT Act, 2003 – Clarification U/s. 94 – Rate of tax of Double Horse brand Biriyan Kit – Orders issued.

Read: Application from M/s. Manjilas Agro Foods (P) Ltd., Thrissur dtd. 27/6/2013.

ORDER No.C3/24030/13/CT DATED 28/5/2014.

1. M/s. Manjilas Agro Foods (P) Ltd., Thrissur has preferred an application U/s 94 of the Kerala Value Added Tax Act, 2003 seeking clarification on the rate of tax of Double Horse Brand Biriyan Kit.

2. The applicant is a dealer borne on the rolls of the Office of the Assistant Commissioner (Assessment), Special Circle, Thrissur and is dealing in rice, rice bran, rice products, wheat flour, spices etc.

3. The applicant would contend that the Biriyan Kit is manufactured using Rice (875gms), Green Peas (25gms), Kismis (10gms), Color powder (1gm), Essence (half-spoon), Cashew Nut (4gms), Masala (3gms), Perinjeerakam (2gms), Sajeerakam (1gm), Dalda (50gms) and Ghee (RKG)(15gms). The applicant has requested to clarify the rate of tax of Double Horse brand Biriyan Kit.

4. The authorized representative of the applicant was heard in the matter and the contentions raised were examined.

5. As per the sample packet produced by the applicant in support of his contentions, the applicant's product is a kit wherein each item stated supra is put into small individual packets and these individual packets are put together in a large packet and is marketed and sold under the brand name 'Double Horse'.

6. The intention of the person who buys the kit is not to use the ingredients separately, but to use it as a whole to make a food item viz. biriyani. Hence it is to be classified as a separate product and has a different identity from its constituents. Further it is sold under a brand name. The product in question will not come under any of the entries in any of the Schedules to the Kerala Value Added Tax Act, 2003. As such the product Double Horse brand Biriyani Kit would be taxable at the rate of 14.5% by virtue of Entry 103 of S.R.O. No. 82/2006.

The issues raised above are clarified accordingly.

Suchala Kumar. S.K
Joint Commissioner (General)

C. Lalappan
Joint Commissioner (A&I)

P.S. Soman
Joint Commissioner (Law)

To,

Sri. Aji V.Dev
V/16, Empire Building,
Near High Court, Kombara,
Ernakulam, Kochi – 18.