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. K.J. Valsala Kumari, Joint Commissioner (General), O/o. CCT, Tvpm.
- 2 T.V. Kamala Bai, Joint Commissioner (Law), O/o. CCT, Tvpm.
- 3. S.K. Suchala Kumar, Joint Commissioner (Audit & Inspection), O/o. CCT, Tvpm.
 - Sub :- KVAT Act, 2003 Clarification U/s 94 Rate of tax on Thotty used for picking fruits, vegetables etc. Orders issued.

Read :- Application from Sri. Eldho C.P., M/s. E C Engineering Works, Thiruvaniyoor dated Nil.

ORDER No.C3/25748/12/CT DATED 29/10/2012.

- 1. Sri. Eldho C.P., Proprietor, M/s. E C Engineering Works, Thiruvaniyoor has preferred an application U/s 94 of the Kerala Value Added Tax Act, 2003 seeking clarification on the rate of tax of the commodity Thotty.
- 2. The applicant is borne on the rolls of Office of the Commercial Tax Officer, 2nd Circle, Perumbavoor and is a manufacturer of aluminium ladder. The applicant makes a commodity called Thotty (Pole). The applicant contends that this item is an agricultural implement manually operated. The purpose of this item is picking mango, coconut, jackfruit etc. from trees. The materials used are PVC pipe, aluminium pipe and arival (two side sharp edged knife). The applicant has requested to clarify the rate of tax of the commodity.
- 3. The applicant was heard and the contentions raised were examined. The applicant had demonstrated the equipment 'Thotty' before this Authority. The impugned equipment is a combination of PVC pipe and aluminium pipe with a sickle / hook at one end. It is used for plucking fruits, vegetables, coconut leaves etc. It is a hand tool used exclusively in agriculture, horticulture or forestry. Hence the commodity Thotty can be classified under the HSN Code 8201.90.00 of the Customs Tariff Act which is extracted below:

8201 HAND TOOLS, THE FOLLOWING: SPADES, SHOVELS, MATTOCKS, PICKS, HOES, FORKS AND RAKES; AXES, BILL HOOKS AND SIMILAR HEWING TOOLS; SECATEURS AND PRUNERS OF ANY KIND; SCYTHES, SICKLES, HAY KNIVES, HEDGE SHEARS, TIMBER WEDGES AND OTHER TOOLS OF A KIND USED IN AGRICULTURE, HORTICULTURE OR FORESTRY.

8201 10 00 - Spades and shovels

8201 20 00 - Forks

8201 30 00 - Mattocks, picks, hoes and rakes

8201 40 00 - Axes, bill hooks and similar hewing tools

8201 50 00 - Secateurs and similar one-handed pruners and shears (including poultry shears)

8201 60 00 - Hedge shears, two-handed pruning shears and similar two-handed shears 8201 90 00

- Other hand tools of a kind used in agriculture, horticulture or forestry

4. The specific eight digit HSN Code 8201.90.00 falls under Entry 1(7) of the First Schedule to the Kerala Value Added Tax Act, 2003 and the said Entry reads:

- 1 Agricultural implements manually operated or animal driven
 - Other hand tools of a kind used in agriculture, *(7)* horticulture or forestry

8201.90.00

5. In view of the facts cited supra, it is clarified that the commodity Thotty, a combination of PVC pipe and aluminium pipe with a sickle / hook at one end, used for plucking fruits, vegetables, coconut leaves etc., is a hand tool used exclusively in agriculture, horticulture or forestry and hence would be exempted by virtue of Entry 1(7) of the First Schedule to the Kerala Value Added Tax Act, 2003.

The issues raised above are clarified accordingly.

K.J. Valsala Kumari Joint Commissioner (General) O/o CCT

T.V. Kamala Bai Joint Commissioner (Law) O/o CCT

S.K. Suchala Kumar Joint Commissioner (A&I) O/o CCT

To,

Sri. Eldho C.P. Colapurath Building, Thiruvaniyoor P.O. Ernakulam.