

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. R. Rajasekharan Nair, Deputy Commissioner (Audit & Inspection), O/o.CCT, Tvpm.
2. A. Biji Kumari Amma, Deputy Commissioner (Legal Wing), O/o.CCT, Tvpm.
3. A. Ashok Kumar, Deputy Commissioner (Internal Audit), O/o.CCT, Tvpm.

Sub: KVAT Act, 2003 – Clarification u/s.94 – Rate of tax of PVC Cards - Orders Issued.

Ref: Application from M/s T&T Infoway, Thiruvalla dated 4/8/2009.

Order No.C3/33668/09/CT dated 12/11/2009.

1. M/s T&T Infoway, Thiruvalla has filed an application U/s 94 of the KVAT Act 2003 seeking clarification on the rate of tax applicable on the commodity PVC Cards. The applicant is a dealer borne on the rolls of CTO Thiruvalla bearing TIN 320305 71183. The applicant deals in PVC Cards intended to be used as Patient Registration Cards by hospitals, Identification cards by schools, Telephone cards, SIM Cards etc.

2. The commodity is imported from China with IEC No. 53080001324. The applicant was selling the product by collecting tax at 4%. But the assessing authority has raised objection to the effect that the commodity is taxable at 12.5%.

3. The applicant has contended that among other entries, it would be taxable at 4% vide Entry 60 of the List A, Third Schedule (with HSN Code 3920).

4. The applicant has requested to clarify the rate of tax of the commodity.

5. The applicant was heard and the contentions raised were examined. The sample of the commodity produced by the applicant is flexible PVC Card of size 3 ¹/₄ “ x 2” inches intended to be used as patient registration card used by hospitals. This would fall under Entry 60 of List A of the Third Schedule to the KVAT Act 2003 bearing HSN Code 3920 which reads:

*Flexible plain films, plates, sheets, foil and strips of plastics, non-cellular
and not re-inforced, laminated, supported or similarly combined with
other materials*

(Polythelene, propylene, PVC)

3920

6. Accordingly the commodity PVC Cards manufactured by the applicant would be taxable at 4% vide Entry 60 of List A of the Third Schedule to the KVAT Act 2003 bearing HSN Code 3920.

The issues raised above are clarified accordingly.

Deputy Commissioner (A&I)
O/o CCT

Deputy Commissioner (LW)
O/o CCT

Deputy Commissioner (IA)
O/o CCT

To

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