

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

ORDER

Dated Dispur the 14th December, 2009.

No. CTS-3/2009/85:- M/s. Rishab Traders, Athgaon Kabaristhan Maszid Compound, Guwahati has filed on application under section 105 of the Assam Value Added Tax Act, 2003, seeking clarification on rate of Tax on drums of all varieties. The application is found to be in order, hence admitted.

Shri D.R. Sethia, Advocate appeared on behalf of the petitioner and placed his submission. He submitted that by all types of drums he means to say PVC drums and MS drum used for carrying of bitumen, cenex, kerosene, water, mobil, chemical and like products. He also submitted that such drums are mainly used for packing and storing of materials and have no other use. Therefore, according to him the item will be covered by the clarification issued vide order No. CTS-41/2007/20 dtd. 03-01-2008 and will be taxable @ 5%.

Perused his submission as well as the clarification referred to the above. Further the entries at Sl. No. 155 of Part-C of the Second Schedule appended under the Assam Value Added Tax Act, 2003 is also perused. It appears that the entry at l. No. 155 reads as "Articles for the conveyance or packing of goods, of plastics, stoppers, lids, caps and other closures, of plastics including (a) insulated ware (b) bags of the type which are used for packing of goods at the time of a sale for the convenience of the customer including all kinds of carry bags, PP Rolls, garden sleeves, Liver HM bags, LLDPE Bags, plastic/polyethylene sheet/film and sutli, polypropylene ropes, monofilament ropes." Further in the clarification also it is stated that container, crates, bottles, jars, jericanes and gallons of plastics are covered by entry a Sl. 155 of Part C of the Second Schedule. Hence it is clarified that PVC drum shall be covered under the said entry and shall be taxable @ 5%. MS drum is not covered under the said entry or any of the entries in the First, Second, Third and Fourth Schedule. Hence the same shall come under entry at Sl. No. 1 of the Fifth Schedule and shall be taxable @ 13.5%.

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

Memo No.CTS-3/2009/85 -A

Dated Dispur the 16th December /2009.

Copy to:-

1. The Principal Secretary to the Govt. of Assam, Finance (Taxation) Department, Dispur, Guwahati - 6 for favour of kind information of the Government.
2. The Addl. Commissioner of Taxes/Joint Commissioners of Taxes (All) for information.
3. The Deputy Commissioner of Taxes (All) for information.
4. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information.
5. M/s. Rishab Traders, Athgaon Kabaristhan Maszid Compound, Guwahati for information.

(M. H. A. Choudhury),

15.12.09
Addl. Commissioner of Taxes, Assam,
Dispur, Guwahati-6.
