

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

ORDER

Dated Dispur, the 7<sup>th</sup> April, 2012

No. CTS-2/2009/225 : M/s Tinna Oversees Ltd. Tinna House No. 6, Sultanpur, Mandi Road Meherauli, New Delhi-1100030 filed a petition under Section 105 of the Assam Value Added Tax Act, 2003 seeking clarification on rate of tax under AVAT Act on modified Bitumen i.e. Crumb Rubber Modified Bitumen (CRMB), Polymer Modified Bitumen (PMB).

Shri Ravindra Chhabra, authorized signatory appeared on behalf of the petitioner and filed his submission. He submitted that Crumb Rubber Polymer Additives are mixed with Bitumen. After mixing the product, it is known as Crumb Modified Bitumen/Polymer Modified Bitumen which are improved version of Bitumen. The processes of mixing Crumb Rubber Polymer do not result in transformation of Bitumen into a new product having different identity/characteristics and use. Further, the end use of both Bitumen and Crumbed Rubber Modified Bitumen/Polymer Modified Bitumen are also same. He also furnished a copy of judgment and order of Hon'ble Supreme Court in the case of Commissioner of Central Excise V/s Ohsner Chemical Pvt. Ltd. wherein Hon'ble Court held that Polymer Modified Bitumen and Crumb Rubber Modified Bitumen can be classified under petroleum Bitumen.

Perused the order of the Hon'ble Supreme Court and also the submission of the petitioner. Hon'ble Supreme Court held that mechanical mixing of polymer with heated bitumen does not amount to manufacture of a new commercially identifiable product and therefore is not exigible to excise duty under the Act.


In view of Hon'ble Supreme Court's judgment and order, it is clarified that Crumb Rubber Modified Bitumen/Polymer Modified Bitumen shall come under Bitumen and hence taxable @5%.

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

Memo No. CTS- 2/2009/225-A

Dated Dispur, the 9 April, 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 Tinna House No. 6, Sultanpur, Mandi Road Meherauli, New Delhi-1100030, for information.

  
( R.D. Borah ),

Joint Commissioner of Taxes, Assam,  
Guwahati-6.