

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF TAXES:::ASSAM:::GUWAHATI.


ORDER

Dated Dispur, the 13th May, 2013.

No. CTS-6/2009/334 : M/s Oriental Engineers, Navagiri Road, Chandmari, Guwahati-3 has filed an application as per provision of section 105 under the Assam Value Added Tax Act, 2003 seeking clarification as to whether management contract is eligible for WCT deduction.

Kankan Dutta, Proprietor of the firm appeared and filed submission. He submitted that he is at present doing the management of the auditorium of Gauhati Medical College & Hospital GMCH). The complete nature of the work is labour oriented. He is registered under Assam Value Added Tax Act, 2003 as works contractor and opted for payment of tax under the Composition Scheme for the Works Contract. Now GMCH authority will deduct tax for the said contract for which the clarification is necessary. He also furnished a copy of the contract agreement and work order which are perused.

It is found in the contract agreement that apart from the day to day maintenance of the auditorium including stage floor, equipment, stage curtains, lighting system, projection system, electrical system etc. etc., they shall also provide the material required for such maintenance. They shall also install security surveillance system, landscape the campus etc. therefore, there is element of transfer of property in goods. Further as he has opted for composition scheme, hence his liability shall be @5% on the total amount receivable. Hence GMCH authority is liable to deduct tax as per provisions of section 47 of the Assam Value Added Tax Act, 2003.



(Dr. J.B. Ekka, I.A.S.)

Commissioner of Taxes, Assam,
Guwahati.

Memo No. CTS-6/2009/334-A
Copy to:-

Dated Dispur, the 13th May, 2013.

1. The Principal Secretary to the Government of Assam, Finance Department, Dispur for favour of kind information.
2. The Addl. Commissioners of Taxes/Joint Commissioners of Taxes (All), Head Office for information.
3. The Deputy Commissioners of Taxes, Zones (All) for information.
4. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information and necessary action.
5. M/s Oriental Engineers, Navagiri Road, Chandmari, Guwahati-3 for information.



(Mrs. R.D. Borah),

Joint Commissioner of Taxes, Assam,
Guwahati.

