

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

ORDER

Dated Dispur, the 21st February, 2017.

No.CTS-46/2015/9 - The petitioner M/s Tata Autocomp Gy Batteries Pvt. Ltd., G.S Road, Rukminigaon filed a petition seeking clarification regarding the rate of tax on Solar Battery/Solar Inverter. The applicant is a registered dealer under the Assam Value Added Tax Act and also under the Central Sales Tax Act. The dealer deals in all kinds of batteries and inverters including solar batteries and inverters used in cars, utility vehicles, commercial vehicles.

The fact as stated by the representative of the petitioner, Sri Gyan Chand Jain, Advocate and Sri Bankim Singha, Authorized Representative is that "Renewable Energy Devices and Spare Parts" are exempted from payment of tax under the Assam Value Added Tax Act as per item No. 74 attached to the First Schedule of the said Act. They submitted that solar battery and solar inverter/charge controller are covered under entry 74 of the First Schedule. They also filed a copy of warranty Registration card which contains terms and condition of warranty. It is however noted that the terms of warranty ceases in wrong application other than that of solar backup application. The dealer's representatives even stated that the battery has been designed for use in solar application through solar charge controller application and not recommended for use in any other application.

Perused the petitioner's prayer. It is a fact that a Solar Power System is made up of the following three components-

1. Solar Panels
2. Fused Array Combiner
3. Inverter

All the three components together make up a Solar Power System. However, the battery/inverter used in Renewable Energy Device can at any time be used for as commercial batteries/inverters with minor charges. Therefore, as there cannot be any certainty that battery would not be used for other commercial purpose, therefore the

batteries/inverter cannot be considered as solely part of Renewable Energy Device. Due to this duality in use battery/inverter cannot be considered at serial No.74 of the First Schedule of Assam Value Added Tax Act, 2003. Therefore battery/inverter even if part of Renewable Energy Device will be taxable at @ 14.5% to Serial No.1 of Fifth Schedule of Assam Value Added Tax Act, 2003 with effect from 20/11/2014 to 09/08/2016.


With the above observation, the petitioner's prayer is disposed off with the clarification that Solar inverter/battery exigible to VAT at 14.5% with effect from 20/11/2014 to 09/08/2016.

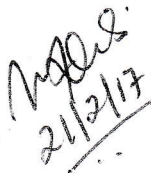
Sd/-
(Anurag Goel, IAS)
Commissioner of Taxes, Assam
Dispur, Guwahati-6

Memo No. CTS-46/2015/9-A Dated Dispur, the 21 th February, 2017.

Copy to:-

1. The Principal Secretary to the Government of Assam, Finance Department, Dispur for favour of kind information.
2. The Additional Commissioners of Taxes/Joint Commissioners of Taxes (All), Head Office for information.
3. The Deputy Commissioner of Taxes, (All) for information.
4. The Assistant Commissioner of Taxes, (All) for information.
5. M/s Tata Autocomp Gy Batteries Pvt. Ltd., G.S Road, Rukminigaon, Guwahati for information.


(H. Borgohain)
Joint Commissioner of Taxes, Assam,
Dispur, Guwahati-6.


21/2/17