

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF TAXES: ASSAM
KAR-BHAWAN, DISPUR, GUWAHATI-6

ORDER

Dated Guwahati the No 22nd April, 2016

No:CTS-83/2015/31: M/s Numaligarh Refinery Ltd., Numaligarh, Dt. Golaghat has filed an application under section 105 of the Assam Value Added Tax Act, 2003 and sought clarification on whether Entry Tax is payable on stock transfer of paraffin wax from Numaligarh Refinery to warehouse of the petitioner company in Guwahati for the purpose of sale within the state or in the course of interstate trade. The application is found to be in order. Hence admitted.

Shri B.K. Das, Authorized representative of the petitioner company appeared and placed his submission. He submitted that Numaligarh Refinery has set up a wax plant in the year 2015 for production and sale of wax. Due to limited capacity of storage at the plant, Numaligarh Refinery intends to take storage house on rent at Guwahati or any nearby place near Guwahati for storage of wax and intends also to transfer the stock to such warehouse for local sale within Assam or interstate sale depending on demand for the product. He submitted further that as per section 3(2) of the Entry Tax Act, 2008, exemption from payment of Entry Tax is available for sale inside the state and in the course of interstate trade or commerce.

Subsection 2 of Section 3 of the Entry Tax Act 2008 provides as below:-

“ Section 3(2) Notwithstanding anything contained in Subsection (1) and subject to production of documentary proof, no entry tax shall be levied on such specified goods, which are also taxable under the Assam Value Added Tax Act, 2003.

(i) If such specified goods are brought into any local area by a dealer registered under the Assam Value Added Tax Act, 2003 for the purpose of resale and such goods are sold inside the state and the dealer is liable to pay tax on sale of such goods under the Assam Value Added Tax Act, 2003.

(ii) If such goods are sold in the course of interstate trade or commerce or in the course of export out of the territory of India or such goods are otherwise dispatched outside the

state by way of stock transfer by a dealer registered under the Central Sales Tax Act, 1956.

Therefore, in case the paraffin wax stock transferred to Guwahati from Numaligarh is disposed by way of local sale or inter state sale or inter-state stock transfer, then no entry tax shall be payable. However if the said goods are not disposed in any of the above manner after being stock transferred to Guwahati, then entry tax shall be payable on the purchase value to be determined as prescribed under the AET Act 2008.

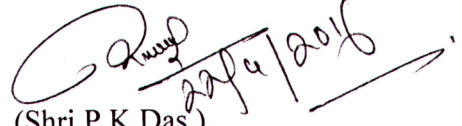
Sd/-(Anurag Goel, IAS)
Commissioner of Taxes, Assam
Kar-Bhawan, Dispur, Guwahati-06

Memo No: CTS-83/2015/31-A

Dated Dispur, the 25th april, 2016.

Copy to:

1. The Principal Secretary to the Govt. of Assam , Finance Deptt., Dispur-6 for favour of kind information of the Govt.
2. The Addl. Commissioner of Taxes/Joint Commissioner of Taxes (All) for informaiton.
3. The Deputy Commissioner of Taxes (All) for information.
4. The Assistant Commissioner of Taxes/Superintendent of Taxes (All) for information..
5. M/s Numaligarh Refinery Ltd., Numaligarh, Dist-. Golaghat for information.


(Shri.P.K.Das)

Joint Commissioner of Taxes, Assam
Dispur, Guwahati