

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

ORDER

Dated Dispur the 24th February/2016.

No.CTS-85/2015/23 : M/s. S.K.B. Enterprise, Kokrajhar, Assam, has filed an application U/s 105 of the Assam Value Added Tax Act for determination of taxability of potato seeds/tuberlets.

Shri A.K. More, C.A. appeared on behalf of the petitioner and stated that potatoes and tuberlets are exempted goods as per entry serial No.41 appended to the First Schedule under Assam Value Added Tax Act, 2003, which reads as "seeds of grass, vegetable and flowers" and since potato is also a vegetable, potato seeds and tuberlets are also exempted goods.

The petitioner is heard. The various classification of vegetables include root (beat) stems (asparagus) ; tubers (potato) ; leaf bases (onion) ; leaf petioles (celery) ; entire leaves (cabbage, spinach etc.) ; flower parts (broccoli) ; immature fruit (cucumber) ; and mature fruit (tomato). In common parlance, potato is understood as a vegetable of tuber class. Perusal of the First Schedule of the Assam Value Added Tax Act, 2003 reveals that its entry serial No.68 specifically enumerates "potato". Again, entry serial No.42 of the said Schedule reads as : Seeds of grass, vegetables and flowers". So even if seed potato is to be regarded as a different commodity from potato which is it actually not, the commodity seed potato is still an exempt item by virtue of entry serial No.42 of the First Schedule of the Assam Value Added Tax Act, 2003.

Therefore, it is hereby clarified that the item seed potato is an exempt item under the Assam Value Added Tax Act, 2003.

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

Memo No.CTS-85/2015/23-A
Copy to :-

Dated Dispur, the 24th February, 2016.

1. The Principal Secretary to the Govt. of Assam, Finance 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.
4. The Deputy Commissioner of Taxes (All) for information.
5. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information.
6. M/s. S.K.B. Enterprise, Kokrajhar, Assam for information.

(A. Choudhury)
Joint Commissioner of Taxes, Assam,
Dispur, Guwahati-6.

24/2/16