

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

ORDER

Dated Dispur, the 8th February, 2017.

No.CTS-61/2016/8 : M/s Aanta Nutrious Food Products, Sankardev Nagar, Amerigog, Jorabat has filed an application seeking clarification as to the applicable rate of tax on the item 'cornflakes' under section 105 of the Assam Value Added Tax Act, 2003. The application is found in order and hence, admitted. Sri Partha Saha, Proprietor, of the firm submitted in course of hearing that the item is covered by the description 'cooked food' enumerated at the entry serial no.112 of the Second Schedule PART-A of the Assam Value Added Tax Act, 2003. Therefore, according to him, the applicable rate of tax on it is 6(Six) paise in the rupee. However, it is observed that the connotation of the term 'cooked food' in common or commercial parlance does not include 'corn flakes' The item in question is factually a derived product obtained from the source cereal maize after a process of manufacture. The process also comprises enrichment with various kinds of vitamins and nutrients. Eatery shops selling 'cooked food' do not generally supply the item 'cornflakes'. Similarly, a person needing 'cooked food' will not look for 'cornflakes'. Further, the entry serial no.112 reads : "cooked food excluding packaged cooked food". Since the item in question is generally sold in sealed packages, it gets automatically excluded from the ambit of the entry serial no.112 of the second schedule.

In view of the above facts, it is clarified that 'cornflakes' is taxable @15% under the Fifth Schedule of the Assam Value Added Tax Act, 2003.


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

Memo No.CTS-61/2016/8-A

Dated Dispur, the 8th February, 2017.

Copy to:-

1. The Commissioner & 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 Aanta Nutrious Food Products, Sankardev Nagar, Amerigog, Jorabat for information.


(R.D. Borah)

Addl. Commissioner of Taxes, Assam,
Dispur, Guwahati-6.