

No. CTS-16/2005/ 489  
September' 2006.

Dated Dispur, the 21st

Sub : Clarification, as to whether the heading is mentioned in VAT Schedule will also cover the sub-heading of the corresponding heading in Central Excise Schedule

**Extract of the order**

Industrial input which is listed in the Second Part-C under Assam Value Added Tax will be taxable @ 4% in respect of whether these are included in sub-heading of Central Excise and Tariff Act, 1985. Though some products are industrial input within the meaning of the Excise Act, it will not be considered at 4% taxable if the same are not included in the Second Part-C of the Assam Value Added Tax Act, 2003. Anomalies or omission, if any, observed in Excise Code will not render any items taxable at higher rate than 4%, if the nomenclature of the commodities are clarify visible in the description part of the commodities.

Since all types of rubber, namely, 'natural rubber', 'synthetic rubber', 'reclaimed rubber', etc. are already included as input in the Second Schedule, Part-C at Sl. 156 to 159 under the Assam Value Added Tax Act, 2003. Therefore, the item 'tread rubber' used for purpose of re-treading of tyres etc. are covered by above entries and taxable @ 4%.

However, rubberized article are not covered by any of the above entries including entries of Central Excise and Tariff Act, 1985 and hence are unclassified goods taxable @ 12.5%.

Assam

Sd/- ( U. C. Sarmah )  
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