

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

ORDER
Dated Dispur, the 27th January, 2012.

No. CTS-69/2006/84 : The Superintendent of Taxes, Guwahati Unit-D vide letter No.5387 dt. 20th December, 2011 sought clarification regarding taxability of item, namely "Coal Tar". He submitted that M/s Kamakhya Coal Tar Industries is paying tax @4% during the period 2007-08 and 2008-09. However, it is held by Superintendent of Taxes that the rate of tax should be 12.5% during the said period. Hence, the letter for clarification is submitted.

As the letter relates to M/s Kamakhya Coal Tar Industries, Guwahati, a notice was issued to them for personal hearing in order to give an opportunity of being heard. Shri Ranjit Shil, Partner appeared on behalf of the industries and submitted that "Coal Tar" is taxable @4% as per entry at Sl. No.129 of Part-C of Second Schedule to the Assam Value Added Tax Act, 2003, as the item "Coal Tar" is same as "Wood Tar". He also submitted copies of Central Excise Tax schedule and case laws which are examined. The entry at Sl.No.129 of Part-C of Second Schedule of the Assam Value Added Tax Act, 2003 is also examined. The entry reads as "Wood tar, wood tar oils, wood creosote, wood naphtha, vegetable pitch, brewers, pitch and similar preparations based on rosin, resin acids or on vegetable pitch". The entry covers Heading No.38.07 of the Central Excise Tariff Act, 1985. Whereas the item "Coal Tar" is covered under Heading 27.06 of the Central Excise Tariff Act, 1985. Therefore, it is evident that both the items are different and not the same product. The item "Coal Tar" is neither mentioned in any entry of Part-C of the Second Schedule nor in the First, Second, Third and Fourth Schedule of the Assam Value Added Tax Act, 2003. Hence, it is clarified that the item shall cover under entry at Sl. No.1 of the Fifth Schedule of the Assam Value Added Tax Act, 2003 and shall be taxable @13.5%.

Sd/- Dr. J.B. Ekka,
Commissioner of Taxes, Assam,
Guwahati-6

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Memo No. CTS-69/2006/84-A

Dated Guwahati, the 03rd February, 2012

- Copy to :
1. The Principal Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information of the Government.
 2. The Addl. Commissioners of Taxes/Joint Commissioners of Taxes(All) for information.
 3. The Deputy Commissioner of Taxes (All) for information.
 4. The Assistant Commissioner of Taxes, Superintendent of Taxes(all) for information.
 5. M/s Kamakhya Coal Tar Industries, Odalbakra, Lal Ganesh, Guwahati-78034, TIN - 18520037499, for information.
 6. The Superintendent of Taxes, Guwahati Unit-D, for information.

(R.D. Borah),

Joint Commissioner of Taxes, Assam,
Guwahati-6.