

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

ORDER

No. CTS- 3/2013/82

Dated Dispur the 3rd May, 2014.

M/S Poddar Disposal Co, 95/26 Cossipore Road, Kolkata-700002, West Bengal has filed an application under section-105 seeking clarification on the taxability of Bulldozers and tractors when sold as new and when sold as condemned. The application is found in order and hence, admitted.

Shri N.R.Purohit appeared on behalf of the party and placed his submissions. He stated that the applicant is a registered dealer of West Bengal Value Added Tax Act and under the CST Act 1956 and deals in the business of purchasing iron scrap which includes condemned bulldozers, tractors and vehicles of different types in the course of inter-state trade and commerce. The applicant participated in an auction conducted by ONGC, Sivsagar, Assam and is the highest bidder for 11 No.s of condemned bulldozers and tractors.

The applicant further stated that the goods are being sold as bulldozers and tractors but ONGC is seeking to charge 14.5% VAT on the sale of the above said goods.

Perused the submissions and entries of Assam Value Added Tax Act are examined. It appears that tractors and bulldozers are covered under Sl. No.65 and Sl.No. 96 of second schedule of Assam Value Added Tax Act respectively and therefore taxable @ 5%. But the provisions of the Act do not cover the items condemned bulldozers and tractors. As such the items condemned bulldozers and tractors will fall under the category of unspecified goods and hence shall be taxable @14.5% under Sl.No.1 of fifth schedule of Assam Value Added Tax Act.


Sd/- Dr.J.B.Ekka, I.A.S.
Commissioner of Taxes, Assam,
Guwahati

Memo No. CTS- 3/2013/82-A

Dated Dispur, the 6th May, 2014.

Copy to:

1. The Additional Chief Secretary to the Government of Assam, Finance Department, Dispur for favour of kind information.
2. The Addl. Commissioners of Taxes/Joint Commissioners of Taxes (All), Head Office for information.
3. The Deputy Commissionaioners of Taxes, Zones (All) for information.
4. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information and necessary action.
5. M/ S Aristo Industries, Borguri Industrial Estate, Borguri, Tinsukia, Assam for information.


(Mrs. R.D. Borah),
Addl. Commissioner of Taxes, Assam,
Guwahati.


5/5/14