

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

ORDER

Dated Guwahati, the ~~1st~~^{Dec.} November, 2009.

No.CTS-84/2007/164 : M/s. G.L. Publication, G.S. Road, Ulubari, Guwahati has filed an application under section 105 of the Assam Value Added Tax Act,2003 seeking clarification as to whether-

- (1) The printing job undertaken by them for printing of News Paper of Dainik Janambhumi where in the material of printing like plate, news print & ink are supplied by Dainik Janambhumi shall be taxable under Assam Value Added Tax Act,2003;
- (2) The printing of text book for the Government of Assam Education Department is taxable under the Assam Value Added Tax Act, 2003?

Shri D.R. Sethia, Advocate appeared on behalf of the petitioner and placed his submission. He also submitted the agreement copies and submitted that Dainik Janambhumi supplies printing paper and news and Assam Text Book Production supplies paper and manuscripts only/ perused the submission. From the documents, it appears that the agreement is for printing and only paper and contents are supplied by the party as per agreement. Ink, plate and other related ingredients are supplied by the petitioner while doing the printing job.

In the case of Associated Cement Co. Ltd. -Vs- Commissioner of Customs (2001) 124 STC 59 (SC): (2001)4 SCC 593, the Hon'ble Apex Court held that Forty Sixth amendment was made precisely with a view to empower the state to bifurcate the contract and to levy sales tax on the value of material involved in the execution of works contract not with - standing that the value may represent a small percentage of the amount paid for the execution of works contract. Further in the case of Golden Colour Lab & Studio -Vs- Commissioner of Commercial Taxes & another (2004) 134 STC 0570 (Kar), the Hon'ble Court held that even if the value of material involved in the execution of works contract is small, it could be subjected to tax.

In this case, since the petitioner transfer property in form of ink and other materials in execution of printing works, it amounts to works contract. As such it is clarified that both contracts are works contract and taxable @ 13.5% of as per entry at Sl. No.2 of the Fifth Schedule of the Assam Value Added Tax Act, 2003.

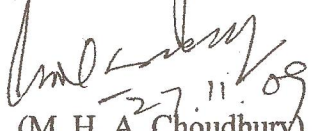
Sd/-Sanjay Lohiya,
Commissioner of Taxes, Assam,
Dispur, Guwahati-6.

Dated Dispur the ~~1st~~^{Dec.} November /2009.

Memo No.CTS-84/2007/164-A

Copy to:-

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.
3. The Deputy Commissioner of Taxes (All) for information.
4. The Assistant Commissioners of Taxes/Superintendents of Taxes (All) for information.
5. M/s. G.L. Publication, G.S. Road, Ulubari, Guwahati for information.


(M. H. A. Choudhury),
Addl. Commissioner of Taxes, Assam,
Dispur, Guwahati-6.
