

Registered

From

Excise & Taxation Commissioner,
Haryana, Panchkula.

To

Sh. Shashank Shekhar, Partner.
M/s Shekhar Brothers.
Plot No. 58. Sector-6. Faridabad.Memo No. 632 /ST-1.
Panchkula, dated the 31/5/2010**Subject :- Clarification under section 56(3) of the Haryana Value Added Tax Act, 2003
in the case of M/s Shekhar Brothers, Faridabad.**

Memo

Your application dated 11.01.2010 is under consideration. Before further action is taken it is requested to appear before the undersigned on 12.05.2010 at 11:00 in office room situated at IInd Floor, Plot No I-3, Vanijya Bhawan, Sector-5, Panchkula.

o/c

 Addl. Excise & Taxation Commissioner (P/R)
 for Excise & Taxation Commissioner, Haryana.

From

Excise & Taxation Commissioner,
Haryana, Panchkula.

To

All the Dy. Excise & Taxation Commissioner (ST),
in the State of Haryana.Memo No. 838 /ST-1.
Panchkula, dated the 9-6-2010**Subject :- Circulation of Clarification-M/s Shekhar Brothers, Plot No. 58, Sector-6,
Faridabad TIN No. 06791200623.****MEMORANDUM**

A copy of clarification order issued by Government under section 56(3) of Haryana Value Added Tax Act, 2003 sought by M/s Shekhar Brothers, Plot No. 58, Sector-6, Faridabad TIN No. 06791200623 is sent herewith for information and necessary action by all the concerned.

amk 7/6/10
Superintendent (Sales Tax)

for Excise & Taxation Commissioner, Haryana.

Endst. No. 839 /ST-1, Panchkula, dated the 9-6-2010

A copy alongwith copy of clarification is forwarded to the following for information and necessary action :-

- Registered -
1. Sh. Shashank Shekhar, Partner -M/s Shekhar Brothers, Plot No. 58, Sector-6, Faridabad.
 2. Addl. Excise & Taxation Commissioner, Haryana Institute of Public Administration, 76 HIPA Complex, Sector-18, Gurgaon.
 3. Jt. Excise & Taxation Commissioner (Division/Range) Ambala, Faridabad, Gurgaon and Hisar.
 4. All Joint. Excise & Taxation Commissioners (Appeals) in the State of Haryana
 5. Senior Deputy Accountant General (Audit), Haryana, Chandigarh.
 6. Dy. Excise & Taxation Commissioner (Vigilance), Haryana Vigilance Bureau, Sector - 6, Panchkula.

amk 7/6/10
Superintendent (Sales Tax)

for Excise & Taxation Commissioner, Haryana.

Endst. No. 840 /ST-1, Panchkula, dated the 9-6-2010

A copy alongwith copy of clarification is forwarded to the following in the Head Office for information and necessary action :-

1. All Addl. Excise and Taxation Commissioners
2. Flying Squad Officer
3. All JETC
4. Jt. Director (L)-I and II
5. DETC(ST)
6. CAO
7. ETO(C/Excise)
8. AO-I, II, III
9. DA-I and II
10. DDA-I & II
11. Superintendent (C) for sending E-mail to all the DETC(ST) and uploading on website.
12. ST-II only (For adding in Annual Sales Tax Circular, 2009).

amk 7/6/10
Superintendent (Sales Tax)

for Excise & Taxation Commissioner, Haryana.

**ORDER OF CLARIFICATION MADE BY SH. RAMENDRA JAKHU,
FINANCIAL COMMISSIONER & PRINCIPAL SECRETARY,
GOVERNMENT OF HARYANA, EXCISE AND TAXATION
DEPARTMENT UNDER SECTION 56 (3) OF THE
HARYANA VAULE ADDED TAX ACT, 2003.**

Querist: M/s M/s Shekhar Brothers.

Subject: Clarification u/s 56 (3) of the Haryana VAT Act - M/s Shekhar Brothers, Plot No. 58, Sector-6, Faridabad holding TIN No. 06791200623.

M/s Shekhar Brothers, Plot No. 58, Sector-6, Faridabad is a dealer registered under Haryana VAT Act holding TIN No. 06791200623 and has sought clarification under Sector 56(3) of the Haryana VAT Act as to the rate of VAT leviable on the hand driven mechanical jacks, used for lifting a car, under the Haryana VAT Act. In the statement of relevant facts having a bearing on the aforesaid question the querist has explained that hand driven mechanical jacks attract VAT @4% (now @5%) since these mechanical jacks are covered under Entry 43-A of Schedule 'C' appended to the Haryana VAT Act. In the statement containing the applicants interpretation of law or facts, in respect of the aforesaid question, the applicant has stated that since the jack is a hand operated tool to lift the car the same should be chargeable to VAT as per Entry 43-A of Schedule 'C' appended to the Haryana VAT Act, being covered under 'hand tool'. The matter has been examined. The applicant firm supplies hand driven mechanical jacks to the leading car manufacturer M/s Maruti Suzuki Ltd. As per Entry 43-A of Schedule 'C' relied by the applicant industrial tools that is to say power tools, measuring tools, hydraulic tools, pneumatic tools and hand tools attract VAT @5% (w.e.f. 15.2.2010). Exhaustive list of all such tools have been given in Entry 43-A referred above. However, from the very title of the entry 43-A it is clear that the entry pertains to industrial tools i.e. the tools which have its application for industrial processes as such. However, hand driven mechanical jack used to lift a car is a part of tool-kit bag supplied by the car manufacturers to car buyers for use by the car owners. These hand driven mechanical jacks have no application in industrial processes and hence in the industrial processes and hence are not covered entry 43-A explained above. Hand driven mechanical jacks used for lifting car are unclassified goods and attract VAT @12.5% under Haryana VAT Act. Matter is clarified accordingly.



(RAMENDRA JAKHU)

Chandigarh
Dated:

Financial Commissioner & Principal Secretary
to Govt. Haryana, Excise and Taxation Department