

DEPARTMENT OF COMMERCIAL TAXES, KERALA
PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION
U/s.94 OF THE KERALA VALUE ADDED TAX ACT, 2003.

Members present are:

1. T.K. Ziavudeen.
*Joint Commissioner (Law),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.*

2. Dr. A. Bijikumari Amma.
*Joint Commissioner (A & I),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.*

3. N. Thulaseedharan Pillai.
*Joint Commissioner (General),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.*

Sub :- KVAT Act, 2003 – Clarification U/s 94 – Compounding u/s. 8(c)(i) - whether company is at liberty to pay tax at compounded rate in respect of certain branches and pay tax u/s. 6 in respect of certain other branches or Head office - Orders issued.

Read:- Application dtd. 01-06-2016 from M/s. Calicut Paragon Restaurant, Calicut.

ORDER No.C3/17692/16/CT DATED 08/11/2017

1. M/s. Calicut Paragon Restaurant, Calicut has preferred an application U/s 94 of the Kerala Value Added Tax Act, 2003 seeking clarification as to whether company is at liberty to pay tax at compounded rate in respect of certain branches and pay tax u/s. 6 in respect of certain other branches or Head office.

2. The applicant was heard in the matter and the contentions raised were examined.

3. The 1st proviso to sec. 11(4) applies only in the case of medicine dealers, contractors and dealers in jewellerys of gold, silver, diamond and platinum. Sec. 8 which deals with payment of compounded tax, metes out a special treatment for branch business place only in respect of a dealer in bullion or ornaments or wares or articles of gold, silver or platinum group of metals, including diamond.

4. In the light of the above, it is hereby clarified that a dealer in cooked food and beverages cannot opt to pay compounded tax in respect of certain branches only and to pay tax under sec. 6(1) in respect of other branches.

The issues raised above are clarified accordingly.

T.K. Ziavudeen
Joint Commissioner (Law)
(General)
O/o CCT

Dr. A. Bijikumari Amma
Joint Commissioner (A&I)
O/o CCT

N. Thulaseedharan Pillai
Joint Commissioner
O/o CCT

To

M/s. Calicut Paragon Restaurant,
(Jas Culinary Specialities Pvt. Ltd.),
Jas Building, Red Cross Road,
Calicut