

C7/14349/2013/CT

Office of the Commissioner
Commercial Taxes
Thiruvananthapuram
Dated :19.10.2013

From

The Joint Commissioner(General)

To

All Deputy Commissioners &
The Deputy Commissioners (Internal Audit)
The Assistant Commissioner, ITMC

Sir,

Sub:- Commercial Tax Department- Suspected misclassification of mouth
wash as medicine- verification requested- Details forwarding of - Reg.

Ref:- 1. Letter No. G-13/2 dated 20.04.2013 of the Inspecting Assistant
Commissioner, CTCP, Walayar.

Attention is invited to the above reference. I am forwarding the above
reference for verification and further necessary action.

Yours faithfully,

Sd/-
Joint Commissioner (General)

Encl: As above.

//Approved for issue//



Superintendent.

Email: iacwalayar@keralataxes.gov.in

Phone : Office: 0491- 2862950, 2862223

COMMERCIAL TAXES DEPARTMENT

Office of the Inspecting Assistant Commissioner
Commercial Tax Check Post, Walayar-678 624

G-13/2

Dated: 20/04/2013

014349

From,

The Inspecting Assistant Commissioner,
Commercial Tax Check Post, Walayar

To

The Deputy Commissioner (Int),
Ernakulam



Sir,

Sub: CTCP, Walayar, detention – suspected misclassification of mouth wash
as medicine- Reg

Ref: - OR No 166/9A/13-14 dated 17/04/2013 dated CTI, CTCP, Walayar

Kind attention is invited to the OR notice referred which was issued by the CTI of this CTCP. A copy of the same and copies of accompanied invoice are attached.

As per the invoice the commodity under transport was mouth wash. This was confirmed in physical verification also. However dealer declared it as medicine and on further verification also, it is prima facie ascertained that dealer used to concede it as medicines.

Mouth Wash is an RNR commodity and not listed in III schedule. Also it has been listed in SRO 82/2006 as entry no 92(6). It is reliably learnt that most of the dealers on this particular commodity has classified it as medicine. Therefore necessary action may be taken against this particular dealer. An investigation may be initiated against other dealers also.

Yours faithfully,

Inspecting Assistant Commissioner,
Commercial Tax Check Post, Walayar

✓ Copy submitted to the Joint Commissioner, Enforcement, Tax Tower, Karamana,
Thiruvananthapuram

FORM NO. 17A NOTICE

OR 166/9A/13/14

(Under Section 47 (2) of the Kerala Value Added Tax Act, 2003)

[See Rules 67] Commercial Tax Check Post..... Welayar

Date 17-5-13 Time 9.40 Hours

To	Name & Address	Jupiter Drugs Thiruvananthapuram	
1. Sl.No. in the register of check of vehicle	31688/9A/18-54	7. Name and Address of the consignee with TIN	Jupiter Drugs Thiruvananthapuram - 6801. 32080996765
2. Date and hour of Check	17-5-13 8.54 Hours	8. Name and Address of transporting Agency (if any)	OM Logistics
3. Vehicle/Vessel Number	TN 30 AS 4924	9. Details of documents accompanied	Inv. No. - JRP2-035 dt 30-3-13 Form 8F declaration
4. Name & Address of the owner of the Vehicle / Vessel	Manohar Salem	10. Details of goods	Month wash
5. Name of the Driver with address and Driving Licence Number	R. Sreenivas 16, Sandh Colony Chennai 8642/13 Chennai	11. Quantity	5049 bottles
6. Name and Address of the consignor with TIN	4+2 Jyoti Remedies Solan HP	12. Total value of the goods as per documents	Rs 79042/-

Where as on inspection of your vehicle/vessel TN 30 AS 4924 and the goods transported therein the following irregularities have been identified.

(i) Goods under transport are not accompanied by any documents prescribed under section 46(3) of the KVAT Act, '03.

(ii) The documents produced in support of the goods under transport is for the transport of

Where as the goods actually under transport is a different item namely Thus there is no

relation between the documents accompanied and the actual goods under transport. (iii) The quantity shown in the

accompanying documents is Kgs/tons/Nos whereas the vehicle/vessel/..... contain

.....Kgs/Tons/Nos. (iv) The consignee/consignor shown in the documents is fictitious since (Specify

reason) (v) The delivery note accompanying the goods is not yet issued by the department

and hence suspected to be bogus. (iv) The goods are under transport from outside the state, whereas the consignee is

a dealer paying presumptive tax under section 6(5)/compounded tax under section 8. (vii) The documents

accompanying the consignment is seen to have been manipulated (specify reason) (viii) Other reasons (specify

other irregularities identified on inspection).

As per the Form 8F online declaration filed, it is declared that the item under transport is medicines. However upon verification of the invoice it is found to be month wash. There is misclassification of goods to evade payment of tax. For the above reasons, the genuineness of the documents produced, bonafides of the transport and attempt to evade payment of tax payable under Kerala Value Added Tax Act., 2003 is suspected.

Therefore in exercise of the powers conferred under sub-section (2) of section 47 of the KVAT Act, 2003 read with KVAT Rules 2005 there under, the aforesaid goods/details of goods and vehicle are hereby detained/proposed to be detained.

You are hereby afforded an opportunity to show cause, if any, against the proposed detention of goods/and vehicle within 24 hours on receipt of this notice together with supporting evidence, in original or to remit the security deposit, in lieu of detention, of Rs 24650/- (Rs. Twenty four thousand six hundred and fifty only) being double the amount of tax attempted to be evaded.

Value estimated Rs. 85000/-

ACKNOWLEDGEMENT OF NOTICE

Received the notice

Signature with date and time

Name and Address with status

(Owner or person in charge of goods/vehicle, Driver)

Copy to

The Manager/Person in charge of the transporting agency

The goods covered under

Commercial Tax Inspector

Commercial Tax Check Post

10337862=94

**Jyoti Remedies(P)Ltd**

VILL. KAILAR, SUBATHU ROAD, SOLAN (H.P.)
TEL : 01792-228277, TELFAX : 01792-228378

CST No. -

SOL-10090

GST No.-

SOL-III-10159 Dt. 19/04/2006

Tin No.-

02020200910

Food Lic. No.-

PFA/06/2011

Drug Lic.-

MB/06/476

MNB/06/475

SSI/MSI/LSI Regn. No.- 02/009/11/50187-PMT-SSI

Tax-Invoice**Party Name Jupiter Drugs****Invoice No. JRPL035****Date 30/03/2013****Address**

Ce Pe Towers, Tana, P.B No.23,
Irinjalakuda, Thrissur- 680121
Kerala - India.

Order No.:**Date.****G.R. No. :****Date.****DL NO:****8/173/20B/2008****DL NO:****8/174/21B/2008****No. Of Cases :****94****GST****CST No. 0809C967651****Delivery :****TIN No. 32080996765****Transport :****OM LOGISTICS**

Sl. No.	Description Of Goods	Pack Size	Batch No.	Mfg Dt.	Exp Dt.	Quantity Bottle(s)	Price / Box	Amount	
								Rs.	P.
1	Wydent Mouth Wash (Sales)	150ml	JRS-038	Mar., 2013	Feb., 2015	4563	15.50	70726	50
2	Wydent Mouth Wash (P.S.)	150ml	JRS-038	Mar., 2013	Feb., 2015	486	15.50	7533	00

Against Form C**Rupees - SEVENTY NINE THOUSAND AND FORTY TWO ONLY.**

SUB TOTAL	78259	50
C.S.T.@ 1%	782	60
Total Rs.	79042	10
Courier & Forwarding Chr.		
Round Off		-10
Grand Total (Rs)	79042	00

Terms And Conditions:-

1. Goods once sold will not be taken back or exchanged.
2. Bills not paid due date 24% additional Interest will be charged.
3. All disputes subject to Solan Jurisdiction only.
4. Exemption availed under Notification number 49-50/2003-CEDT. 1-06-2003.
5. Prescribed sales tax declaration will be given.

For Jyoti Remedies (P) Ltd.

Authorized Signatory

Prepared By

Checked By

Accounts Manager

31688/9A

8-5H

