

**1. PROCEEDINGS OF THE COMMISSIONER OF  
COMMERCIAL TAXES, THIRUVANANTHAPURAM**

Present : Sri.Paul Antony .IAS

Sub:- KVAT Act 03- Clarification U/s. 94- Rate of tax on medical equipments, Devices and Implants- clarified orders issued- Reg:

Read:- 1. Application in Form no. 24 Dt. 01.10.05 Filed by M/s. Capital Surgicals, Tvpm.

2. Hearing notice No.VC1.48871/05/CT Dt.13.12.05

ORDER No.C7.48771/05/CT Dt. 05.01.07

M/s. Capital Surgicals, Pattam, Thiruvananthapuram has filed an application for clarification U/s.94 of KVAT Act 03, on the rate of tax applicable for Medical Equipments, Devices and Implants. The applicant was given an opportunity of being heard. The applicant further requested to clarify the rate of tax on the following items also:

1. Implantable Injection Port.
2. Cardiac Catheters.
3. Stents.

The issue was examined in detail with reference to statutory provisions. Life saving devices like (1) pace makers for stimulating heart muscles, and (2) Hart Valves and accessories for Peritoneal Dialysis, such as catheters, Mini cap, Easy-Y-set, Effluent bag, Transfer set, Tatanium Adapter, Dialyzer, Blood tubing, AV Fistulers, Needles, and Cardiac Stents are specifically included in 3<sup>rd</sup> schedule vide entry 79, taxable @ 4 %. Certain medical instruments apparatus and devices are also included in entry 36 of the 3<sup>rd</sup> schedule.

In general those medical equipments and devices which are not specifically mentioned in the above entry would be classifiable under RNR category taxable @ 12.5%.

By entry 50 of SRO 82/06 certain instruments, apparatus and appliances are specifically notified under RNR category. By virtue of Section 6 of KVAT Act, all medical equipments which are not specifically mentioned in the 3<sup>rd</sup>

schedule as detailed above would attract tax @ 12.5% even though they are not specifically mentioned under entry 50 of SRO 82/06.

In the light of above the tax rate sought on the items specifically mentioned by the applicant would be as follows.

1. Implantable Injection Port 12.5%
2. Cardiac Catheters 4 % vide entry 36(21)  
of 3<sup>rd</sup> schedule.
3. Cardiac stents 4 % vide entry 79(3)(k)  
of 3<sup>rd</sup> schedule.

The points raised are clarified accordingly.

Sd/-  
Commissioner