

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.V. Kamala Bai.
Joint Commissioner (Law),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.

2. Suchala Kumar. S.K.
Joint Commissioner (General),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.

3. C. Lalappan.
Joint Commissioner (Audit & Inspection),
Office of the Commissioner of Commercial Taxes, Thiruvananthapuram.

Sub : KVAT Act, 2003 – Clarification U/s 94 – Toy Baby Chairs, Toy Baby Sets, Toy Baby Rockers/Riders having other descriptions such as Learners Toy Baby Chair or Baby Joy Ride would fall under the HSN 9501 and is taxable at 14.5% – Orders issued.

Read :Application from M/s. Prima Plastics Ltd, Ernakulam dtd. 12/4/2012.

ORDER No.C3/12336/12/CT DATED 19/8/2013.

1. M/s. Prima Plastics Ltd, Ernakulam has preferred an application U/s 94 of the Kerala Value Added Tax Act, 2003 seeking clarification on the rate of tax of Toy Baby Chairs, Toy Baby Sets, Toy Baby Rockers/Riders having other descriptions such as Learners Toy Baby Chair or Baby Joy Ride.

2. The applicant is a manufacturer of Plastic Moulded Furniture by injection moulding process using PPCP as raw material. The finished goods have the HSN Code 9401. The applicant has requested to clarify the rate of tax of the product which includes Toy Baby Chairs, Toy Baby Sets, Toy Baby Rockers/Riders having other descriptions such as Learners Toy Baby Chair, Baby Toy or Baby Joy Ride etc.

3. The authorised representative of the applicant was heard in the matter and the contentions raised were examined.

4. With regard to Baby Rockers, the HSN Code appearing in the Invoice produced by the applicant is 9401.80.00. The Customs Tariff Item 9401 reads ***9401 SEATS (OTHER THAN THOSE OF HEADING 9402), WHETHER OR NOT CONVERTIBLE INTO BEDS, AND PARTS THEREOF*** and the eight digit HSN Code ***9401.80.00*** reads ***Other seats.***

6. The applicant's product would fall under the HSN 9401. But the said HSN does not appear in any of the Schedules to the Kerala Value Added Tax Act, 2003.

7. Entry 45(1) of S.R.O. No. 82/2006 reads:

45 Furniture made from any material whether sold in assembled or unassembled form and ready to assemble, and parts thereof.

(1) Seats (other than those of heading 9402), whether or not convertible into beds and parts thereof 9401

8. All furniture used for seating, whether for seating babies, children or adults would be classifiable under the above said Entry. As such it is clarified that Toy Baby Chairs, Toy Baby Sets, Toy Baby Rockers/Riders having other descriptions such as Learners Toy Baby Chair, Baby Toy or Baby Joy Ride etc. would be taxable at the rate of 14.5% by virtue of Entry 45(1) of S.R.O. No.82/2006.

The issues raised above are clarified accordingly.

T.V. Kamala Bai
Joint Commissioner (Law)

Suchala Kumar. S.K
Joint Commissioner (General)

C. Lalappan
Joint Commissioner (A&I)

To,

M/s. Prima Plastics Ltd.,
Door No. X/588Q, A – Kinfra SIP,
Survey No. 508 (PART),
Block No. 32, Nellad P.O,
Mazhuvannaur Village,
Ernakulam – 686 669.