

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

Present:- Sri.Paul Antony.IAS

Sub:- KVAT Act- 03 –Clarification U/s. 94- Rate of tax on used and discarded scrap batteries- clarified orders issued.

Read:- 1.Application in form 24 Dt. 21.11.05 from Met Trade India LTd, Kalamassery, Ernakulam
2. Hearing Notice No.C7.53621/05/CT Dt. 09.01.06

ORDER No.C7.53621/05/CT Dt.10.02.06

M/s. Met Trade India Ltd, Kalamassery Ernakulam has sought for clarification under section 94 of KVAT Act 03 on the rate of tax applicable to used and discarded/damaged scrap batteries.

Sri.P.Nepoleon, Authorised representative of the applicant was heard. The contention of the applicant is that used and discarded scrap batteries are falling under 4 % categories as in West Bengal.

The contentions of the applicant were analysed. Batteries are taxable @ 12.5 % under RNR category. Further, parts of the batteries, viz, Manganese dioxide, mercuric oxide, silver oxide, lithium, airzinc, button cells etc are taxable @ 12.5 %. Hence in the absence of specific entry for scrap of old and condemned battery in any of the schedule to KVAT Act 03 as amended by KVAT (Amendment) Act 05, used and discarded/Damaged scrap batteries are taxable @ 12.5 %.

The point sought for is clarified as above.

Sd/
Commissioner