

**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. Abdul Jabbar.V.K, Joint Commissioner (General), O/o. CCT, Tvpm.***
- 2 T.V. Kamala Bai, Joint Commissioner (Law), O/o. CCT, Tvpm.***
- 3. S.K. Suchala Kumar, Joint Commissioner (Audit & Inspection), O/o. CCT, Tvpm.***

Sub :- KVAT Act, 2003 – Clarification U/s 94 – Rate of tax of Thermistors and Thermostats – Orders issued.

Read :- Application from Sri. S.G. Nampoothiry, M/s. Sowparnika Thermistors & Hybrids Pvt. Ltd., Thrissur dtd. 10/1/2011.

**ORDER No.C3/2927/11/CT DATED 9/1/2012.**

1. Sri. S.G. Nampoothiry, M/s. Sowparnika Thermistors & Hybrids Pvt. Ltd., Thrissur has preferred an application U/s 94 of the Kerala Value Added Tax Act, 2003 seeking clarification on the rate of tax of Thermistors and Thermostats.

2. The applicant contends that the HSN Code of Thermistor is 8533. The applicant has also submitted a copy of the Bill of Entry for Home Consumption with respect to Thermostat. The HSN Code thereto reads 9032.89.90.

3. The applicant has requested to clarify the rate of tax of Thermistor and Thermostat.

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

5. The HSN Code of Thermistor is 8533.40.30. Thermistor is a sub category which comes within the broad category of Electrical Resistors. As per the Customs Tariff Act, the said HSN Code reads:

**8533 ELECTRICAL RESISTORS (INCLUDING RHEOSTATS AND POTENTIOMETERS), OTHER THAN HEATING RESISTORS**

*8533 40 - Other variable resistors, including rheostats and potentiometers :  
8533 40 30 --- Thermistors*

6. The four digit HSN Code 8533 appears in the Entry 69(12) of the Third Schedule to the Kerala Value Added Tax Act, 2003 which reads:

<i>69</i>	<i>IT Products</i>	
	<i>(12) Electrical resistors</i>	<i>8533</i>

7. Hence Thermistor would be taxable at 4% vide Entry 69(12) of the Third Schedule to the Kerala Value Added Tax Act, 2003.

8. As per the Customs Tariff Act, the HSN code for Thermostat is 9032.89.90, and it falls within the category *9032 - Automatic regulating or controlling instruments and apparatus.*

9. The above said HSN Code does not figure in any of the Schedules to the Kerala Value Added Tax Act, 2003. No other entry in any of the Schedules to the Act is suitable for incorporating this commodity. As such the commodity Thermostat would be taxable at the rate of 12.5% vide Entry 103 of S.R.O. No. 82/2006.

The issues raised above are clarified accordingly.

**Abdul Jabbar.V.K.**  
**Joint Commissioner (General)**  
**O/o CCT**

**T.V. Kamala Bai**  
**Joint Commissioner (Law)**  
**O/o CCT**

**S.K. Suchala Kumar**  
**Joint Commissioner (A&I)**  
**O/o CCT**

To,

Sri. S.G. Nampoothiry,  
M/s. Sowparnika Thermistors & Hybrids Pvt. Ltd,  
7 / 700A, Peacock Nagar, Kolazhy Post,  
Thrissur – 680 010.