

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

Present: Sri.Paul Antony. IAS

Sub:- KVAT Act, 03-clarification U/s. 94-Rate of tax on glass fibres and articles there of- clarification orders issued-

Read:- 1. Application in Form No. 24 Dt. 07.11.05 filed y M/s. Parat Polymer Extrusions (P) Ltd, Aluva.

2.Hearing Notice No.C7.53996/05/CT Dt. 23.01.06 and 21.02.06

3.Lr. Dt. 14.02.06 from the Authorised Representative of the applicant.

ORDER No.C7.53996/05/CT Dt. 30.03.06

M/s. Parat Polymer Extrusions (P) Ltd, Ernakulam Road, Aluva has sought for clarification Under section 94 of the KVAT Act 03 on the following.

The applicant company is a dealer in glass fibres and articles there of. They are also manufacturing fibre glass resin. These items fall under the ambit of Central Excise Tariff Act bearing HSN 7019. The applicant pointed out that the items manufactured and dealt with by the applicant were listed in 3rd schedule which was issued earlier, but the same has not been included in the present schedule. The applicant further stated that the rate of tax of the above items are 4 % in Delhi, Maharashtra and Andhra Pradesh, and contented that the item will fall under 3rd schedule and requested to issue clarification stating the materials fall under the ambit of 3rd schedule and taxable @ 4 % under VAT.

The case was posted for hearing on 14.02.06 and the applicant has requested to adjourn the same to another date. When the case was posted for personal hearing on 02.03.06, the applicant did not appear. Hence the application is disposed on merits.

First, second and third schedule in the principal Act, ie; KVAT Act 03, has been substituted as per KVAT (Amendment) Act 05. The items glass fibres and the articles there of having HSN 7019 has not been included in any of the schedule to KVAT Act 2003 as amended by the KVAT (Amendment) Act 05 but included in the list of goods taxable at 12.5 % published as per SRO 82/2006 vide SL. No. 48(12)

It is clarified that glass fibres (including glass wool) and articles thereof having HSN7019 are taxable @ 12.5% as per Sl.No. 48(12) of SRO 82/06.

Sd/
Commissioner