

34. PROCEEDINGS OF THE COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM

Present: Sri. P.Mara Pandiyan I.A.S

Sub: KVAT Act'03 -Clarification U/s 94 – Rate of tax - Steam Inhalator- Clarified orders issued – Reg.

Ref: 1. Application filed by Sandhya.P, Prop. N.S.Marketing Agencies, Mukkola, Thiruvananthapuram. Dtd. 18.03.2008
2. Notice No. C3 11695/2008 dated. 27.03.2008

ORDER NO. C3. 11695/2008 Dt. 22.10.2008

(1) M/s N.S Marketing Agencies , Mukkola ,Thiruvananthapuram has preferred an application under section 94 of the KVAT Act 2003 seeking clarification on the rate of tax of steam inhalator. The applicant was heard in person by my predecessor in office and contentions raised were examined in detail.

(2) The applicant would state that the HSN code of steam inhalator is 9019.20. As per Customs Tariff Act 1975, the item relates to HSN 9019.20 is read as “Ozone therapy, Oxygen therapy, Aerosol therapy, Artificial Respiration and other Therapeutic Apparatus”. Where as, Steam inhalator is covered by the entry 50 (30) of SRO 82/2006 of the KVAT Act 2003. As per circular No. 48/2007 Dtd. 02.11.2007, Govt. have reduced the rate of medical equipments covered under serial no. 50 of SRO 82/2006 from 12.5 % to 4% with effect from 22.10.2007.

(3) As per Kerala Finance Act 2008 entry no 59A has been inserted to the third schedule to the Act. Accordingly “All medical and diagnostic equipments and hospital instruments, apparatus, appliances, tools, and aids used exclusively in medical, surgical, dental, physiotherapy and veterinary sciences” are included under 4 % category.

(4) Hence the equipment-‘Steam inhalator’ would fall within “other therapeutic respiration apparatus” and exigible to tax @ 4% vide entry no. 59 A to the 3rd schedule to the Act with effect from 22.10.2007

The point raised is clarified accordingly.

Commissioner