

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

Present:- Sri. Paul Antony.IAS

Sub:- KVAT Act 2003- Clarification U/s. 94 – Whether “Fresh Fruit Bunches” from grown up Oil Palm exempted or not- Reg:

Read:- 1.Application from M/s. Oil Palm India Ltd, Kottayam
dt. 10.02.07

2. Posting Notice Dt. 09.04.07

ORDER No.C3.10071/07/DT.22. 06.07

M/s. . Oil Palm India Ltd, Kottayam has preferred an application U/s. 94 of KVAT Act seeking clarification as to whether “Fresh Fruit Bunches” from grown up Oil Palm is exempted or not.

The applicant was given an opportunity of being heard and authorised representative was heard.

In commercial and common parlance fresh Oil Palm fruit is not considered as a fresh fruit entitling to be classifiable under entry 21 of 1st schedule covering fruits and vegetables. Undisputedly this is used for extracting oil. In the Customs Tariff Act, HSN 1207 inter alia deals with oil seeds and oleaginous fruits.

“Oleaginous” means “of relating to oil”. So the product in question is an Oleaginous fruit and so is classifiable under the heading 1207.99.90.

Commodity coming under the HSN are classified under Sl.No. 94(17) of 3rd schedule. So the product in question is classifiable under entry 94(17) of 3rd schedule and is taxable @ 4 %.

The issued raised is clarified accordingly.

Commissioner.