

**36. PROCEEDINGS OF THE COMMISSIONER OF COMMERCIAL TAXES
THIRUVANANTHAPURAM**

PRESENT; SRI.PAUL ANTONY. I.A.S.

Sub:- KVAT Act 2003 – Clarification u/s 94 – Rate of tax on certain
Medical disposable items – Clarified orders – Issued – Reg.

Read:- 1) Application in Form No. 24 Dated 11.11.05 from Sterimed. Inc,
Pattambi.

2) Hearing Notice No. C7-53706/05/CT Dated 02.02.06.

ORDER NO. C7-53706/05/CT DATED 23..03..2006.

M/s. Sterimed Inc. Pattambi, Palakkad has applied for a
clarification under section 94 of KVAT Act 2003 on the following.

The applicant is an exclusive dealer in certain medical disposable
items like Sterilized Medical Grade Paper Reels, Sterilized Medical Grade
Paper Pouches, Sterilized medical Grade Paper bags, etc. and the items
are used to sterilize Surgical appliances and apparatus immediately
before performing surgery.

The point sought for clarification is whether the item No. 36(a) of
the 3rd schedule means the above referred sterilization items and if not,
what should be the rate of VAT applicable for these items.

The Authorised Representative of the applicant was heard. The
contentions of the applicant were examined. The items are sterilization
materials used to sterilize surgical appliances and apparatus and are a
one time usage kit. That is, the above items are hospital instrument
sterilizers which do not fall under items in Sl.No. 36(9) of 3rd schedule.
All hospital instrument sterilizers are taxable @ 12.5% vide Sl.No.50 Of
SRO 82/06.

In the circumstances, the items Medical Grade Paper Reels,
Sterilized Medical Grade Paper Pouches, Sterilized Medical Grade Paper
Bags, etc. used to sterilize surgical appliances/apparatus, imported and
marketed by M/s. Sterimed. Inc. Pattambi, Palakkad is taxable @ 12.5%
under RNR category.

The point sought for is clarified accordingly.

Sd/
Commissioner.