



**PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION AND  
ADVANCE RULINGS, BANGALORE.**

Present **Sri.M.D. Jain,**

Additional Commissioner of  
Commercial Taxes  
(Head Quarters)-1, Bangalore.

..... Chairman.

2. **Sri.H.D.Arun Kumar,**

Additional Commissioner of  
Commercial Taxes (Policy &  
Law), Bangalore.

..... Member.

3. **Sri.R.Jagadish Prasad,**

Additional Commissioner of  
Commercial Taxes (GST),  
Bangalore.

..... Member.

**No.AR.CLR.CR.33/13-14.**

**Dated: 19.9.2013**

Name and address of the Applicant	<b>M/s.Suretex Prophylactics (India) Limited,</b> Plot No.74 to 91, KIADB Industrial Area, Jigani, 2 <sup>nd</sup> Phase, Anekal Taluk, Bangalore - 560 105.
TIN	29340053369
Jurisdictional LVO on whose files the Applicant is borne	LVO-026, Bangalore.
Nature of activity of the Applicant	Manufacture of rubber contraceptives.
Represented by	Sri.Sanjay Dhariwal, Chartered Accountant.

## ORDER UNDER SECTION 12-C OF THE K.T.E.G. ACT, 1979

1. The Applicant M/s.Suretex Prophylactics (India) Ltd., Plot No.74 to 91, KIADB Industrial Area, Jigani 2<sup>nd</sup> Phase, Anekal Taluk, Bangalore is a registered dealer under the provisions of the KVAT Act, 2003 with TIN 29340053369 borne on the rolls of the Assistant Commissioner of Commercial Taxes, LVO-026, Bangalore. The Applicant has filed an Application under Section 12-C of the KTEG Act, 1979 before this Authority for Clarification and Advance Ruling seeking clarification about the applicability or otherwise of the entry tax on the causing entry of machinery, parts and accessories thereof for use in the manufacture of rubber contraceptives.

2. After receipt of the Application in Form 43 from the Applicant, the Applicant was provided an opportunity of personal hearing. Accordingly, notices were issued under Rule 165(15)(e) of the KVAT Rules, 2005, posting the case for hearing on 23.8.2013. However, Sri.Sanjay Dhariwal, Chartered Accountant, duly authorized by the Applicant appeared on 22.8.2013 itself and requested to take up the hearing of the Application. Considering his request this Application is taken up for hearing. The learned Chartered Accountant made written additional submissions and requested for clarification sought by the Applicant.

3. In the additional submissions made by the learned Chartered Accountant, it is inter-alia submitted as under:

The Applicant submits that the words "consumption" used in the explanation 1 of Not No-FD 11 CET 2002 (1) dated 30.3.2002 has no limitation or the act of consumption is not defined whereas with regard to nature and type of use, the word "use" has limitation or the act of use has been defined. That is, any notified goods under Sl.No.2, 3,4,7,8 & 9 of the said notification should be used as raw materials or component parts or inputs in the manufacture of finished or semi-finished product. The view of the

