

Supreme Court

1. Ahluwalia Contracts – AC 15605-06/17 dt 4.10.17 - The power of the High Court under Article 226 of the Constitution, wide and pervasive as it is, should have enabled the High Court to appropriately deal with the situation and issue consequential directions permitting initiation of fresh proceedings, if the Revenue was so inclined.
2. Karnataka Soaps & Detergents AC 4822-4825/15 dt 12.10.17-In this process of manufacturing the perfumery compounds are capable of being sold in the open market. The odoriferous compound has got a shelf life and capable of being stored/transported/sold and bought by agarbathi industries. As noticed above, the assessee had sold certain quantity of perfumery compound to M/s. Tibetan Handicrafts Centre Bylkuppe, Mysore District. Therefore, we are of the view that it is an excisable product falling under Chapter Sub-Heading 3302.90

GOs issued U/ GST

1. G.O.MS.No. 446 Dated: 03-10-2017 - In exercise of the powers vested under Section 68 of the Andhra Pradesh Goods and Services Tax Act, 2017 read with Rule 138 of the Andhra Pradesh Goods and Service Tax Rules, 2017, the Government of Andhra Pradesh hereby extends the time limit of operation of the notification issued vide G.O.Ms.No.309, Revenue (Commercial Taxes-II) Department dated 24th July, 2017 till 31-12-2017 or till the way bill system is developed and approved by the Council, whichever is earlier.
2. G.O.MS.No. 456 dt 16-10-17 - In exercise of the powers conferred by section 128 of the Andhra Pradesh Goods and Services Tax Act, 2017 (Act No.16 of 2017), the Government, on the recommendations of the Goods and Services Tax Council, hereby waives the late fee payable under section 47 of the said Act, for all registered persons who failed to furnish the return in Form GSTR -3B for the month of July, 2017 by the due date.
3. G.O.MS.No. 457 dt 16-10-17 - Appointing 18th September, 2017 as the date on which the TDS provisions under sub-section (1) of Section 51 of the Act
 - (a) an authority or a board or any other body, - (i) set up by an Act of Parliament or a State Legislature; or (ii) established by any Government, with fifty-one percent or more participation by way of equity or control, to carry out any function; (b) society established by the Central Government or the State Government or a Local Authority under the Societies Registration Act, 1860 (21 of 1860); (c) public sector undertakings: Provided that the said persons shall be liable to deduct tax from the payment made or credited to the supplier of taxable goods or services or both with effect from a date to be notified subsequently, on the recommendations of the Council, by the Government.
4. G.O.MS.No. 459 dt 16-10-17 Amendments to certain rules- Notification- Orders
5. G.O.MS.No. 460 dt 16-10-17 Reduction of rate of tax on services provided to the Central Government, State Government, Union Territory, etc
6. G.O.MS.No. 461 dt 16-10-17 Change in rates of tax of certain goods like dried tamarind, roasted gram
7. G.O.MS.No. 462 dt 16-10-17 Amendment list of goods where excess ITC cannot be refunded; i.e., notifying that Excess ITC is not refundable for Corduroy Fabrics

Notification issued U/ GST

Government vide Notification 38/2017, Dt: 13-10-2017 has postponed the applicability of reverse charge on inward supplies from unregistered under Section 9(4) of CGST Act from 13-10-2017 till 31-03-2018, it is applicable to all the taxable persons.

Advance Rulings - VAT

1. Vassar Labs IT Solutions - A.R.Com/439/2016 dt 26.9.17 (AO 127/17) – **(a)** The transactions covered under this document are constituting work contract within the meaning of section 2(45) of the APVAT Act, 2005 and hence, it is liable for registration under Section 17 of APVAT Act, 2005 and it is liable to pay tax as under. If it has opted to pay the tax liabilities under composition scheme, the applicant will be liable to pay tax @ 5% on the entire work contract consideration agreed to be paid. **(b)** If it does not opt to come under the composition scheme, it is liable to pay tax @14.5% on 70% of the total consideration agreed to be paid by the contractee to the contractor-applicant. **(c)** However, if the applicant – dealer establishes the various components of labour and services charges for the execution of the works, charges for planning design and architect fees, cost of establishment, cost of consumable goods, profit earned by the contractor to the extent it is relatable to supply of labour and service, etc, it can pay for only on the material component which is to be arrived at under Rule 17 of the APVAT Rules, 2005 at the rates (Schedule rates mentioned in Schedules I,II,III,IV, V& VI of the APVAT Act, 2005) that are applicable to the goods which are transferred from the applicant-contractor to the contractee.
2. Divyabhirami Agro Sales - A.R.Com/271/2016 dt 26.9.17 (AO 128/17) - The revisionist-applicant could not establish that we have committed any mistake which is apparent from the record. Nor there is any change in the law or facts on the basis of which the clarification or ruling given earlier is to be reviewed / rectified. In the light of the above, we are of the view that it is not a fit case for either review or rectification.
3. Gayatari Enterprises A.R.Com/267/2016 dt 26.9.17 (AO 129/17) - This issue is fairly covered by the clarification already issued by this Authority in CCT's. Ref.No.AR.Com/39/2006, dt 01.11.2006, in the case of M/s Salvo Explosives and Chemicals (P) Ltd, Nalgonda District and hence, this application, is not

maintainable before this Authority – The ruling as follows: The eligibility of input tax credit with respect to the detonating fuse, detonators, card relays etc. used in the execution of any work depends upon whether the output is liable to tax or not. The applicant cannot say on one hand that he can claim input tax credit but he is not liable to output tax. If the value of the goods used in the execution of work is eligible to tax, the benefit of input tax credit is also available under the provisions of Section 13 of AP.VAT Act read with Rule 20 of AP.VAT Rules, 2005.

4. Merino Industries A.R.Com/424/2016 dt 11.10.17 (AO 130/17) - it is hereby clarified that acrylic solid surface sheet is taxable @ 14.5% under schedule VI to the Act in advance ruling in A.R.Com/55/2013 (CTD Order No.1, dated 06-01-2014)

ADC (presently Appellate Joint Commissioner) Orders

1. Sri Lakshmi Balaji Stone Crushers - APPEAL NO. 20- 25/2017-18 (NRP) dt 23-09-2017 - ADC ORDER NO.2269/2017 - In the process of manufacturing that is Crushing the boulders into chips will generate lot of wastage depends upon the quality of rocks. The appellants has not disputed the quantity of permits issued by the mining department but questioning the adaptation of average price of 40 mm and 20mm chips based on SSR rates ignoring the fact of wastage and the rates of 12 mm and 6mm chips. The Authorized Representative further contended that a factual enquiry by the assessing authority will certainly reveal the ground realities to assess their appellants' liability of tax correctly. The Authorized Representative contended the assessing authority passed orders without making minimal enquiry.
2. Murali Krishna Agro Industries - Appeal No. VSP/42/2017-18 dt 27.09.2017 ADC 2291/17 - The appellant strongly professed that, at no point of time such wheat ravva was mixed with the other produced vermicelli and hence, such records cannot be rejected as untrue merely basing on some assumption and presumption. The appellants declared that they have maintained all such books of accounts, records, invoices and all corroborative and supporting documents including waybills that are prescribed under Rule 29 of AP VAT Rules and further that these records and books are substantial evidence to prove their contentions. Therefore, the appellants established that they have maintained separate records for dispatch of goods obtained from both outside the states and within the state purchases of wheat ravva and the specific inputs as stated supra
3. Megha Fruit Processing APPEAL No.29/2017-18(CTR) dt 25.10.17 (ADC Order No.2317/17) - When all the details what so ever required by the assessing authority are available in the statutory declaration form, rejecting the same without conducting enquiry is bad in law. The decision of the Supreme Court of India rendered in the case of Ashok Land Ltd Vs State of Tamilnadu (SC) reported in 134 STC page 473 is applicable.
4. Ganesh Traders - 36/2017-18 (NRP) (ADC ORDER NO.2320/17)dt 5.10.17 - As seen from the impugned re-assessment order it is noticed that the orders passed by the assessing authority without verifying the IT statements is not correct and valid and made it difficult to uphold the legality of the orders passed on this count. As seen from the assessment record, it is strikingly observed that there are no evidences of the material available de-hors the record to re-assess the appellant.
5. Sri Dhana Lakshmi Stone Crusher - 35/2017-18 (NRP) dt 5.10.17 (ADC ORDER NO.2319/17) - assessing authority at least would have obtained the information from other stone crushers about production of varieties of metal chips and should know the process from the boulders stage to the chips stage and confirm whether ant truth in the contentions of the appellants and pass orders accordingly. I therefore set aside such estimate and levy of tax and remand the matter to the assessing authority for computation of turnovers by conducting independent enquiry
6. Starrh Almond King 24/2017-18(GNT) dt 9.10.17 (ADC 2337/17) examine all the relevant documents in respect of sales returns that were happened within a period of 6 months from the date of invoice, under the provisions of Section 8A(1)(ii) of C.S.T.Act, 1956, with reference to stock register, movement of goods etc and pass appropriate order afresh under the provisions of CST Act, 1956
7. Chandrasekhar Naidu 108/2015-16(CTR) dt 3.10.17 (ADC 2344 /17)the appellants had transferred the right to use goods to the APSRTC as per the terms and conditions between the appellants and APSRTC (the appeal orders are against the spirit of HC judgment in Transocean Offshore Vrs Union India in WP 44908/16 dt 6-4-17)
8. Kone Elevator India Pvt. Ltd VJA-II/109/2016-17 dt 20.10.17 (AJC 2352/17) Since it is a works contract and the dealer is not able to ascertain expenditure portion between material and labour though maintaining books of accounts, same is 70% taxable and 30% exemption/ standard deduction will applied as per Rule 17 (1) (g) of AP VAT Rules is to be upheld as precise & accurate

DC Orders Presently Joint Commissioner of State Taxes

M.G. Brothers Spl.R.No.40/2014-15 dt 11.10.2017 (DCO 1316/17) - hiring of their vehicle to HPCL squarely fit within the ambit of Right to use Goods and liable to be taxed under the section 4 (8) (the revision orders are against the spirit of HC judgment in Transocean Offshore Vrs Union India in WP 44908/16 dt 6-4-17)