(1980) 03 AHC CK 0021

In the Allahabad High Court

Case No : Sales Tax Revision No. 1147 of 1979

Chandausi Chemicals APPELLANT

Vs

Commissioner, Sales Tax RESPONDENT

Date of Decision : 19-03-1980

Acts Referred:

Uttar Pradesh Sales Tax Act, 1948 — Section 4
Uttar Pradesh Sales Tax Act, 1948 — Section 4
Uttar Pradesh Sales Tax Act, 1948 — Section 4

Citation : (1980) 03 AHC CK 0021

Hon'ble Judges : R.R. Rastogi, J

Bench : Single Bench

Advocate : A.N. Mahajan, for the Appellant; The Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

R.R. Rastogi, J.—M/s. Chandausi Chemicals, Chandausi, Moradabad, a registered firm, carries on business in manufacture of water for injection and other pharmaceutical items. For the assessment year 1973-74 in respect of sale of water for injection it claimed exemption from tax u/s 4 of the U. P. Sales Tax Act, but it was not accepted either by the assessing officer or by the Assistant Commissioner (Judicial). On further revision the Additional Judge (Revisions) as well has taken the same view. Hence this revision u/s 11(1) of the Act.

2. The question for decision is whether water for injection is exempt u/s 4 of the Act. In Clause (a) this sub-section says that no tax under the Act shall be payable, inter alia, on the sale or purchase of water. The expression "water" has been explained in the explanation to this section as under:

''water'' does not include mineral water, aerated water, tonic water, distilled water or scented water.

3. Water for injection, if at all, would come within the expression "distilled

water". In British Pharmaceutical Code, 1973, printed and published by Pharmaceutical Society of Great Britain, at page 534, water for injection has been described thus:

Water for injections is sterilised distilled water free from progenies, water for injections may be prepared by distilling potable water from neutral glass or metal still fitted with an efficient device for preventing entrainment, the first portion of the distillate is rejected and the remainder is collected in suitable containers and immediately sterilised by heating in an autoclave or by filtration without the addition of a bactericide.

4. As for the use of water for injections it has been stated :

Water for injections is used in preparations intended for parenteral administration and in other sterile products.

5. The learned Additional Judge (Revisions) also has referred to National Formulary of India, 1966, at page 26, where it is mentioned that water for injection is to be used for parenteral preparations. The nature of the formulation of water has been described. It is not necessary to dilate further and suffice it to say that from these authorities it is clear that water for injection is sterilised distilled water and it is intended for parenteral administration and in other sterile products. In other words, it would be covered by the expression "distilled water" occurring in Clause (a) of Section 4 of the Act.

6. The view taken by the revising authority is, therefore, correct and I agree with it. However, in case any circular has been issued by the State Government giving remission of tax, in part or as a whole, on the turnover in respect of distilled water (water for injection), the Sales Tax Officer would give the benefit of the same to the assessee.

7. The revision is hence dismissed, but there will be no order as to costs.