(2003) 07 AHC CK 0048

In the Allahabad High Court

Case No : Sales Tax Revision No. 354 of 1992

Commissioner of Sales Tax APPELLANT

Vs

Ram Udyog RESPONDENT

Date of Decision : 23-07-2003

Acts Referred:

Citation : (2006) 143 STC 229

Hon'ble Judges : Prakash Krishna, J

Bench : Single Bench

Advocate : K. Saksena, for the Respondent

Final Decision : Dismissed

Judgement

Prakash Krishna, J.—This revision is directed against the order dated October 19, 1991 passed by the Sales Tax Tribunal, Gorakhpur, directing the assessing officer to amend the recognition certificate granted to dealer on April 24, 1990 and include therein polythene/endothene granules and H.N./H.D.P.E. granules.

2. The opposite party is a registered dealer and carrying on the business of manufacture and sales of laminated jute bags. The recognition certificate for purchase of raw material at concessional rate was granted to the opposite party. Subsequently, the opposite party filed an application to include in the recognition certificate the purchase of polythene/endothene granules to enable it to purchase these goods as raw material at concessional rate of tax to manufacture laminated jute bags. Before the assessing authority it was submitted that the granules are necessary for the purpose of manufacturing polythene sheets to be used in the manufacture of laminated bags. The assessing authority in the absence of necessary machinery to manufacture of polythene sheets refused to amend the recognition certificate. This order was confirmed in appeal but has been set aside by the Tribunal by the order under revision.

3. Heard the counsel for the parties. The Tribunal has recorded finding that there is no dispute that the dealer-opposite party is manufacturer of laminated jute

bags. In laminated jute bags polythene sheets are also used. The Tribunal has recorded finding that if the dealer manufactures polythene himself or get it manufactured by someone else and the polythene is used in the laminated jute bags, then certainly granules are raw material for the manufacture of laminated jute bags. Lamination of jute bags will only increase the process of manufacturing. The Tribunal has also observed that in case it is found that the dealer is not using the polythene thus manufactured, the necessary and proper steps may be taken by the department against the dealer. I do not find any error in the order of the Tribunal. The revision is dismissed summarily.