(1999) 06 AP CK 0110

In the Andhra Pradesh High Court

Case No : Tax Revision Case No. 244 of 1998

State of A.P. APPELLANT

Vs

Marvel Building Products RESPONDENT

Date of Decision : 23-06-1999

Acts Referred:

Citation : (2000) 118 STC 102

Hon'ble Judges : S. Ananda Reddy, J;Ramesh Madhav Bapat, J

Bench : Division Bench

Advocate : Special Govt. Pleader for Taxes, for the Appellant;

Final Decision : Allowed

Judgement

S. Ananda Reddy, J.—In this tax revision case the point to be considered is, whether the impugned turnover relating to the sale of panel doors is liable to tax as general goods or under entry 114 of the First Schedule to the Andhra Pradesh General Sales Tax Act, 1957.

2. The Commercial Tax Officer, levied tax at 6 per cent treating the panel doors as general goods. But the revising authority held that the said assessment is erroneous and hence revised to levy the tax at 9 per cent which is applicable to entry 114 of the First Schedule to the Andhra Pradesh General Sales Tax Act, 1957, The assessee carried the matter in appeal to the Appellate Tribunal. The Appellate Tribunal after considering the contentions held that the panel doors would not fall under entry 114 and thus allowed the appeal. Now in the present revision, the contention of the Revenue is that the Appellate Tribunal erred in holding that the panel doors would not fall under entry 114. A perusal of the entry shows that the plywood in any other form falls under entry 114 of the Act. It is not in dispute that Novopan doors were prepared out of Novopan plywood using the panels. When the Novopan plywood was used by the assessee in manufacturing the panel doors, the said panel doors would fall under entry 114 of the First Schedule to the Andhra Pradesh General Sales Tax Act, 1957, We,

therefore, hold that the Appellate Tribunal was in error in holding that the panel doors manufactured by the assessee would not fall under entry 114. We accordingly set aside the order of the Appellate Tribunal and restore that of the Deputy Commissioner (CT). The assessing officer is directed to accordingly modify the assessment levying the tax on the turnover relating to the panel doors at the rate of 9 per cent which is applicable to the commodity falling under entry 114 of the First Schedule to the Andhra Pradesh General Sales Tax Act, 1957.

The tax revision case is accordingly allowed.

