(1988) 06 AP CK 0043

In the Andhra Pradesh High Court

Case No : Tax Revision Case No. 114 of 1985

The State of Andhra Pradesh APPELLANT

Vs

A.R.K. Industries RESPONDENT

Date of Decision : 15-06-1988

Acts Referred:
Andhra Pradesh General Sales Tax Act, 1957 — Section 5(1)

Citation : (1989) 74 STC 198

Hon'ble Judges : Bhaskara Rao, J;B.P. Jeevan Reddy, J

Bench : Division Bench

Advocate : Government Pleader for C.T. and P.R, for the Appellant; P. Venkatarama Reddy, for the Respondent

Judgement

Jeevan Reddy, J.—The question arising in this tax revision case is whether the wooden cabinets of T.V. sets are taxable under entry 3 of the First Schedule to the Andhra Pradesh General Sales Tax Act or should be taxed as general goods. Entry 3 reads as follows :

"3. Wireless reception instruments and At the point 12 paise apparatus, radios and radio gramo- of first sale in the phones (televisions), electrical in the State. rupee." valves, accumulators, amplifiers and loud speakers and spare parts and accessories thereof.

2. The contention of the Revenue is that the wooden cabinets of T.Vs. are spare part or at any rate accessories. This argument was rejected by the Tribunal which held that the cabinets are neither spare parts nor accessories but components of T.Vs. This decision was arrived at by the Tribunal following the decisions of the Madras and Bombay High Courts in F. Rose Mary Carpentry Works, Coimbatore v. State of Madras [1964] 15 STC 924 and Commissioner of Sales Tax v. Amar Radio Cabinet Works [1968] 22 STC 63 respectively, wherein it was held that radio cabinets are neither spare parts nor accessories but components of radios. The principle applicable to radios was also held applicable to T.V. sets. The Tribunal also referred to a decision of Punjab and Haryana High Court in Ambala

Coach Builders v. State of Haryana [1977] 39 STC 44 wherein it was held that a bus body mounted on motor chassis is neither an accessory nor a spare part but a component part of the motor vehicle. In our opinion the Tribunal was right in saying so. There cannot be a functioning T.V. without the wooden cabinet. A television normally is understood as the set fixed within the wooden cabinet. It cannot, therefore, be called as a spare part or an accessory - as those words are understood and construed by this Court and other High Courts. Once it is held that wooden cabinet of a television is a component of T.V., it cannot be taxed under entry 3 of the First Schedule. It means that it can be taxed only as general goods u/s 5(1). The tax revision case accordingly fails and is dismissed. No costs. Advocate''s fee Rs. 150.

3. Petition dismissed.

