

Read:-1. Application dt. 5/12/2007 from M/s. Cavinkare Pvt. Ltd, holder of TIN No. 27060299354V.

2. Written submission by the applicant dt. 05.04.2008.

Heard: Shri C. B. Thakkar, Advocate, attended on behalf of the applicant on 11.3.08.

PROCEEDINGS

(Under section 56(1)(e) of the Maharashtra Value Added Tax Act, 2002)

No.DDQ-11-2007/ Adm-3/57/B- 1

Mumbai,dt. 12.08.08

An application is received from M/s. Cavinkare Pvt. Ltd., for determination of the rate of tax on 'DISHOOM COILS 12 HRS-4 COILS EXTRA' sold by the applicant through invoice no. 22 dt 01.11.2007. The applicant is registered under the Maharashtra Value Added Tax Act, 2002 under TIN number 27060299354 V and has address as 'Shed no.20, godown no. 5,7 and 8, Shree Arihant compound, Kalher, Bhiwandi'.

02. FACTS OF THE CASE

The applicant is a trader in various items. One of the items traded by him is "Dishoom Mosquito Coil". The applicant has purchased these goods from his supplier M/s. Manaksia Ltd., Hyderabad. The product is cleared under Chapter heading 38089191 of Central Excise Tariff. It is submitted that they have charged tax at the rate of 12.5% on the product. It is also submitted that there is a specific entry i.e. entry C-34, which is reproduced as under:

No.	Name of commodity	Rate of tax	Date of effect.
C-34	Fertilizers including biofertilisers, insecticides, pesticides, fungicides, weedicides, rodenticides, herbicides, antispouring products, plant growth promoters or regulators, micronutrients but not including disinfectants.	-do-	1.5.2005 to till date.

03. CONTENTION

It is contended that their product being an 'insecticide' is covered by the schedule entry C-34 of the MVAT Act 2002. In support of their say that the item is an insecticide, the applicant has enclosed the copy of licence issued to them by the Government of Maharashtra, Department of Agriculture. This licence is for the sale, stock or exhibit for sale or distribution of insecticides. It is submitted that in this licence, the item purchased from Manaksia Ltd. has been specified as 'insecticides'. It is contended that their supplier M/s. Manaksia Ltd. has also obtained certificate under Insecticides Act, 1968. The copy of the same is also enclosed by them. 'Dishoom Mosquito coil' is one of the products specified as 'insecticide' in the said certificate. It is submitted that in the entry C-34 there is no condition about the nature of insecticide and in light of above, the sale of the above product is liable to tax @ 4%. It is further stated that in the market there is confusion and some of the dealers are of the opinion that the rate of tax is 12.5% and that they have charged tax @ 12.5%. It is submitted that since the applicant has traded in this item, they want to have a clear legal determination of rate of tax applicable on the above product. It is submitted that they have applied for decision of the correct rate of tax under MVAT Act, 2002 on the above product.

It is submitted that the schedule entry C-34 includes "insecticides". The following judgments have been advanced in support of the above submission.

- **Judgment of Hon. M.S.T. Tribunal in case of Bombay Chemicals Pvt. Ltd. (A.No.48 of 82 dt.30/11/84).**

In this judgment, the item 'Tortoise brand Mosquito coil' was held as covered by the then entry C-II-31 which included insecticides in the same. It is submitted that since the item i.e. "Dishoom" mosquito coil is similar to the item dealt in the present order, the above judgment will apply. It is submitted that there was no exclusion clause in the entry excluding mosquito coils from the category of insecticides. Since there is no such exclusion in case of insecticides, the mosquito coils will remain covered in the category of insecticides and accordingly covered by entry C-34.

- **Transelektra Domestic Products Ltd. v. C.T.O. (90 STC 436) (Mad.) & (86 STC 497)(WBTT).**

This judgement dealt with the classification of mosquito coil sold under the name of 'Good Knight'. Since it contained 'allethrin', it was held to be insecticides. The appellant has contended that a similar position will apply in case of their product as it also contains 'allethrin'.

- **Sonic Electrochem (P) Ltd. v. State of Orissa (92 STC 117) (ors).**

In this case, mosquito repellants were held to be included in the category of 'pesticides'. It is submitted that in the schedule entry C-34, 'pesticide' also is one of the item covered and accordingly their product will also be covered as 'pesticide' in entry C-34.

It is submitted that though their product is a 'household insecticide', entry C-34 covers the whole range of insecticides and no distinction is made between 'household insecticides' and others. It is further submitted that the percentage of Allethrin in the product is not an issue for determination of entry as held in above High Court cases. It is further submitted that though the product is a household insecticide it will still remain covered by entry C-34. It is submitted that the main content of the insecticide i.e. d-trans Allethrin: 0.1% w/w is already mentioned on the packing itself.

04. HEARING

The case was fixed for hearing on 11/3/2008. Shri C.B. Thakkar, CA attended on behalf of the applicant. The product for determination is "Dishoom Mosquito Coil". It is submitted by them that the product is manufactured in Andhra Pradesh by M/s. Maneksia and M/s. Cavincare purchases it from Andhra Pradesh and sells it locally. He stated that the product is an insecticide. It was informed by the applicant that M/s. Maneksia holds a licence for insecticides and therefore the product will be covered by the schedule entry C-34. He referred to the judgment of the Tribunal in the case of M/s. Bombay Chemical Industry in support of his contention. It is also informed that the Agriculture Development Officer, Zilha Parishad, Thane has issued a certificate to M/s Cavincare certifying "Dishoom Mosquito Coil" as an insecticide for the purpose of household.

05. OBSERVATION:

I have gone through the submission made by the applicant. It is seen that the appellant have purchased the goods from M/s. Maneksia Ltd. Hyderabad. The product is cleared under chapter head 38089191. The applicant has put forth a claim that the

product is covered by schedule entry C-34 and is taxable @ 4%.In support of the contention, the applicant has produced the following documents:-

1. Licence issued by the Government of Maharashtra under rule 10(4) of the Insecticides Rules. It is a licence to M/s. Cavincare Pvt. Ltd and M/s Cavincare is licensed to sell, stock or exhibit for sale or distribute by insecticides for the purpose of households.
2. A licence for renewal granted by the licencing authority, Agriculture Development Officer, Jilha Parishad, Thane. The licence is valid for 20.9.2007 to 19.9.2009.
3. Principal certificate given by Maneksia Ltd. under the Insecticides Act, 1968 and Insecticides Rules, 1971 to Cavincare Pvt.Ltd. The principal certificate certifies that the dealer to whom the certificate has been issued will purchase insecticides from Maneksia Ltd.

After scrutiny of the record it was found that M/s. Cavincare had purchased the insecticides from M/s. Maneksia Pvt. Ltd. under the Insecticides Act but the licence given to Maneksia under the Insecticides Act was not produced by the applicant. The applicant was therefore requested to produce the certificate through letter dt.29.4.2008 issued by this office. The applicant failed to respond to the letter and therefore a reminder was issued to him through letter dt.20.5.2008 issued by this office. The applicant was requested to produce the following documents.

- a. Licence given to M/s. Maneksia Pvt. Ltd. under the Insecticides Act.
- b. Evidence as to whether the packing of the "Dishoom Mosquito Coils" is done as per rule 19(4) of the Insecticides Rules.

In response to this letter the applicant produced the following:-

- i. Licence to manufacture insecticides given by the Commissioner and the Director of Agriculture, Andhra Pradesh Hyderabad to M/s. KURSTSTOFF Polymer Ltd. to produce the following
 - Allethrin 0.2% Mosquito Coil.
 - d-Trans Allethrin 0.4% Mosquito Coil.
 - d-Trans Allethrin 555.
- ii. An endorsement by the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad that the name of M/s. Kurststoff is changed to M/s. Hindustan Seals Ltd. The manufacturing licence of the unit is also renewed up to 31.12.2004.
- iii. Endorsement by the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad, certifying that the name of M/s. Hindustan Seals Ltd. is changed to M/s. Maneksia Ltd. The following additional products are included in the manufacture licence given to Maneksia Ltd.
 - a. d-Trans Allethrin 0.1% Mosquito Coils 12 Hours.
- iv. Certificate given by the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad, to M/s. Maneksia Ltd. up to 31.12.2004.
- v. Renewal of manufacture licence by the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad, from 1.1.2007 to 31.12.2008.
- vi. Through the renewal M/s. Cavincare Pvt. Ltd. is permitted by the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad, to market the following products.
 - d-Trans Allethrin 0.1%, 6 hours.

- d-Trans Allethrin 0.1%, 10 hours.
- d-Trans Allethrin 0.1%, 12 hours.

In support of the contention, the applicant referred to the following judgments in which 'mosquito coils' have been held as insecticides.

1. MSTT judgment in the case of M/s. Bombay Chemicals Pvt. Ltd. (SA No.48 of 1982 dt.30.11.1984).
2. Judgment of West Bengal High Court in the case of M/s. Trans Electra Domestic Products Pvt. Ltd. (90 STC 436 & 86 STC 497) where 'Good knight' mosquito coil containing Allethrin was held to be insecticides.
3. Orissa High Court judgment in the case of M/s. Sonic Electrochem Pvt.Ltd. (92 STC 117). In this case mosquito repellent is held to be included in the category of pesticides.

The Schedule entry under consideration is as follows:-

'C-34'	Fertilizers including bio-fertilizers, insecticides, pesticides, weedicides, herbicides, plant growth promoter, or micro nutrient but not including disinfectant.
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It is seen from the above entry that it includes fertilizers as well as bio-fertilizers, insecticides, pesticides, fungicides, weedicides etc. A quick glance at the entry shows that all the products included in it are commonly used in agriculture. This would also mean that products which are used in agriculture and which are used by farmers for the cultivation of crops are grouped together in one category and taxed @ 4%. Therefore, the 'insecticides' covered by the entry are those insecticides which are used by the farmers for the protection of crops from insecticides and pesticides. If the entry is looked at from this angle, then 'mosquito repellents' would not be covered by the entry. Mosquito Coils are 'household products' and cannot, by any stretch of imagination be called, as agricultural products- the product being identified with domestic uses rather than with agricultural operations. This is my opinion formed on the basis of the structure of the entry as it looks to me. This would also be the conclusion if one applies the principle of 'Ejusdem Generis' i.e. words grouped together convey a common meaning and when one word is followed by the other, the other would necessarily take the meaning or take colour from the meaning given to the word preceding it.

The appellants have, however submitted, certain judgments in which 'mosquito repellants' have been held as 'insecticides'. Therefore, before coming to any conclusion I will have to look at the judgments quoted by the applicant as also those which have come to my notice independently.

- **Bombay Chemicals Pvt. Ltd. (A.No.48 of 82 dt.30/11/84).:-** In the case of M/s. Bombay Chemicals, the appellants were manufacturers of insecticides, pesticides, fungicides and weedicides. Among other products, the applicants manufactured the product mosquito brand tortoise coil. It was the contention of the applicants that the 'mosquito coil' is a Pyrethrum product and it contains a high percentage of Pyrethrum Marc. Pyrethrins is included in the schedule to the Insecticides Act, 1968. The applicant had claimed that mosquito coils are the repellent variety of insecticides. The matter came up before the Commissioner of Sales Tax and the Commissioner on a preliminary scrutiny felt that on the basis of the popular parlance meaning, 'Tortoise Brand Mosquito Coil' will not come within the term 'insecticides' and therefore the product was accordingly classified in the residuary

entry. The Commissioner observed that 'Pyrethrins' and 'Pyrethrum' are not identical and 'Pyrethrins' is a plant extract and after extracting 'Pyrethrin' some portion of Pyrethrin will remain in the flower and such residue is called 'Pyrethrum Marc'. The Pyrethrum Marc is used in the mosquito coils. The fact that went against the plant was that the Central Government had informed them that it is not necessary to register the mosquito coil under Insecticides Act. However the Tribunal set aside the order of the Commissioner by referring to the following information.

(a) In the Webster's Third New International Dictionary, 'insecticides' are defined as an 'agent' hostile or repellent to insects. The Tribunal accepted the argument of the applicant that, it may be that long ago, an insecticide may mean only that which kills insects (insects plus cide, cide means to kill). It will be sufficient to an insecticide that they destroy insects, or make them immobile or are prevented by toxic effect from continuing its effect on human activity or is made to run away from a specified area so that the area remains free from insects.

(b) In the Encyclopedia Britannica ready reference and index, 'insecticide' is defined as that which kills insects but it is also made clear that 'repellents' are sometime grouped with insecticide.

(c) In Indian Trade Classification published by the Department of Commercial Intelligence and Statistics, Kolkata, it is seen that the mosquito coils, mosquito destroyers and mosquito sticks have the same basic index number.

(d) The Insecticides Act, 1968 defines insecticide as follows:-

In this Act, unless the context otherwise requires,- insecticide means..

- any substance specified in the schedule.
- such other substance including fungicides and weedicides as the Government made included by notification.
- In the preparation containing one or more of such subjects.

The 'Pyrethrum' used in the insecticide was not mentioned in the Schedule Act. However the applicant's contention was agreed to by the Tribunal that though Pyrethrum is not registered as an insecticide it is accepted by the Board that repellents do contain a small amount of insecticide. The applicant had also referred to the definition of 'insecticide' under the United States Federal Insecticides, Fungicides and Rodenticides Act. Under the Act, 'insecticide' included not only that which kills but also that which controls the nuisance from any insects. On the basis of the above evidence, the Tribunal accepted that 'Tortoise Brand Mosquito Coil' is an 'insecticide' though it is not registered as an insecticide under the Insecticide Act.

2. M/s. Trans Electra Domestic Product Pvt. Ltd vs. Commercial Tax Officer, Madras (90 STC 436) decided by the Madras High Court. The petitioner in the said case had claimed that 'mosquito insecticide mats' fell under item No.66 of the first schedule to the Tamil Nadu General Sales Tax Act. Entry 66 covers pesticides and insecticides. The particular brand sold by the Company is the 'Goodknight Brand Mosquito Mats'. The 'mosquito mat' in question had been manufactured using 'd-Allethrin 4.5'. It was held by the High Court that 'Goodknight Brand Mosquito Mats' would fall under the entry 66 as it is an 'insecticide'.

3. **M/s. Trans Electra Domestic Product Pvt. Ltd. vs. Inspector of Commercial Taxes (86 STC 497) decided by the WBTT.** The product in the present case is 'Good knight Mosquito Mats'. The applicant had the necessary licence under the Insecticide Act for carrying on his business of manufacturing and selling insecticides. It was claimed by the applicant that the product is an insecticide. The applicant held registration under the Insecticide Act in respect of 'Allethrin 1.4%'. It was the contention of the State that the 'mat' cannot be an 'insecticide' as the mat does not kill mosquito. It was also the contention that the 'mat' also contains ingredients other than 'Allethrin' which were not included in the schedule of the 'Insecticide Act'. The Court observed that the word 'insecticide' must be understood in the sense it is used in the common parlance. In trade parlance, 'mat' is understood as an 'insecticide' in view of the existence of the label on the package 'd-Allethrin 4% Mosquito Mat Insecticide'. The traders also deal with the insecticide in accordance with the provisions of the Insecticides Act, 1968.

4. **M/s. Sonic Electrochem vs. Sales Tax officer (111 STC 181).** In the said case the Supreme Court found that since 'mosquito repellent mat' was specifically mentioned in the schedule it cannot be classified as an insecticide. But the Supreme Court also found that the Jet Mat has one of its constituent as 'd-Allethrin 4%' which has the quality of an 'insecticide'. It not only repels mosquito but also capable of killing them, but in view of the specific entry 'mosquito repellent' in the schedule it can be classified only under that entry.

It is seen from the above judgements that the Tribunals as well as the High Courts of certain States have categorized 'mosquito repellants' as insecticides in the absence of a specific entry for it. Further, the other aspect which immediately comes to notice is that the Courts have given a broader meaning to the term 'insecticides' by observing that insecticides include not only those that kill but also those that repel. The presence of an 'insecticide' in the mosquito mats and coils which has been specified under the Insecticides Act' has been sufficient for the Courts to give the decision that such coils and mats are insecticides. In fact, the MSTT has gone a step further in the case of M/s Bombay Chemicals and have categorized the 'Tortoise Brand coil' under insecticides even though 'Pyrethrum' was not classified as an 'insecticide' under the Insecticides Act. However, I feel that before categorizing a product as an 'insecticide', certain relevant aspects as to whether the product comes under the 'Insecticides Act' and the treatment given to it under that Act is very much relevant.

I came across the judgement of the Allahabad Court in the case of M/s Knight Queen Industries (145 STC 226) which deals with the issue in detail. In the said case, the Division Bench of the Allahabad High Court impliedly overruled the judgment in the case of M/s. Hindu Super Store (145 STC 223) decided by the Allahabad High Court. In the latter case, the product before the court was 'mosquito repellent coil'. It was the contention of the State that the coil is not covered under the entry 'pesticides and insecticide' as it only repels mosquitoes and does not kill them. The Court held that the product is a 'mosquito repellent' and not an 'insecticide'. However, the division bench in the case of M/s. Knight Queen Industries, while overruling the judgement, observed that 'mosquito mats and coil' though used as 'household articles' are nevertheless 'insecticides'. The chemical composition used in manufacturing the goods is 'Allethrin' which is an 'insecticide'. The petitioner used chemicals which had been treated as

insecticide under the provisions of the Insecticide Act, 1968 and the labeling and packing of the product of the petitioner was in accordance with rule 19(4) of the Insecticide Rule 1971. In absence of the specific entry relating to the mosquito repellent/mosquito destroyer, and there being an entry mentioning 'insecticides', an ordinary person would understand the product as falling under the category of insecticide. The Court distinguished the case of M/s. Sonic Electrochem (cited supra) by observing that Gujarat Sales Tax Act had a specific entry for mosquito repellents and therefore 'mosquito coils' cannot be classified under the entry for 'insecticide'. The Allahabad High Court referred to a number of decisions including the decision given above and observed that while interpreting a statute the preliminary object of which is to raise revenue, resort should be had to the common parlance meaning. 'd-Trans Allethrin' is treated as an 'insecticide' under the provisions of the Insecticide Act. The 'd-Allethrin' is described as a household insecticide. In the absence of any specific entry relating to the mosquito repellent and at the same time there being an entry mentioning insecticide, it can reasonably be said that the product falls under the category of insecticide.

Another judgement which supports the aforesaid view is the **Kerala High Court judgement in the case of M/s. Trans Electra Domestic Product Pvt. Ltd. vs. State of Kerala (122 STC 229)** The question to be considered in this writ petition was whether 'mosquito repellent mat' manufactured by the petitioner in the name of 'Good knight' and 'Banish' can be classified as 'insecticide'. The mat was made of paper pulp with the basic insecticide being Allethrin 4%. The entry under consideration was as follows:- 'Pesticides, fungicides and plant protection chemicals. The State contended that the 'mosquito repellent' will not be an insecticide as it gives a very pleasant smell and is primarily used for domestic purposes to repel mosquitoes. The meager quantity of 4% 'Allethrin' could not make the product an 'insecticide'. The applicant produced the copies of the licence and registration certificate under the Insecticide Act. It was held by the Court that since the mosquito repellent mat contains insecticide 'allethrin' which is manufactured and sold under licence issued under the 'Insecticide Act' it will be classified as insecticide. **In the case of M/s. Godrej High Care Ltd.(6 VST 39)**, the Andhra Pradesh High Court held that for period prior to insertion of specific entry for mosquito repellent , mosquito coils to be treated as 'insecticide' under the Andhra Pradesh General Sales Tax Act.

It is seen from the above judgements that in the absence of a specific entry for 'mosquito repellants', the Courts have unequivocally held that 'mosquito repellants' are 'insecticides'. Where there was a special entry for 'mosquito repellant' the Courts have classified them accordingly. The Courts have given a broad meaning to the term 'insecticides' by including those products which not only kill but also those which repel insects. However, as seen from the Allahabad High Court judgement in the case of M/s Knight Queen Industries, classification in the category of insecticides depends upon the following:

- Certificate under the Insecticides Act that the product is an insecticide.
- Labeling and Packing of the product as per the provisions of the Insecticides Rules.

In the present case the applicant has furnished a certificate given to him under the Insecticides Act certifying that the License issued by the Government of Maharashtra under rule 10(4) of the Insecticides Rules. It is a license to M/s. Cavincare Pvt. Ltd. M/s Cavincare is licensed to sell, stock or exhibit for sale or distribute by insecticides for the purpose of households. He has also produced a Principal certificate given by Maneksia

Ltd. under the Insecticides Act, 1968 and Insecticides Rules, 1971 to Cavincare Pvt.Ltd. The principal certificate certifies that the dealer to whom the certificate has been issued will purchase insecticides from Maneksia Ltd. The license given to M/s Maneksia by the Andhra Pradesh authorities under the Insecticides Act is also produced by the applicant which authorizes him to manufacture insecticides and more particularly 'd-Allethrin 0.1%' mosquito coil.

Insecticides Rules, 1971 provides for the manner of labeling. Relevant rule 19(4) of the Rules read-

"19(4) the upper portion of square, referred to in sub-rule (3) shall contain the following symbols and warning statements :

(i) insecticides belonging to category I (extremely toxic) shall contain the symbol of a skull and cross bones and the word 'POISON' printed in red :

(a) 'KEEP OUT OF THE REACH OF CHILDREN';

(b) IF SWALLOWED OR IF SYMPTOMS OF POISONING OCCUR , CALL PHYSICIAN IMMEDIATELY'.

(ii) insecticides in category II (highly toxic) shall bear the word 'POISON' printed in red and the statement 'KEEP OUT OF REACH OF CHILDREN', shall also appear on the label at suitable place outside the triangle ;

(iii) insecticides in category III (moderately toxic) shall bear the word 'DANGER' and the statement 'KEEP OUT OF REACH OF CHILDREN' shall also appear on the label at suitable place outside the triangle ;

(iv) insecticides in category IV (slightly toxic) shall bear the word 'CAUTION'.

I have seen the sample of the product. The product contains 0.1% d-trans Allethrin. The package has the word 'Poison' printed on it. The words 'Keep out of the reach of children' also appear on the package. The manufacturing license number given on the certificate also appears on the sample cover.

Another fact supporting the applicant is the explanatory notes given under excise heading 3808. The applicant has cleared the product under excise heading 3808. The explanatory notes under the heading explain the following :

38.08 - *Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers) (+).*

3808.50 - *Goods specified in Subheading Note 1 to this Chapter*

- *Other:*

3808.91 - *Insecticides*

3808.92 - *Fungicides*

3808.93 - *Herbicides, anti- sprouting products and plant-growth regulators.*

3808.94 - *Disinfectants*

3808.99 - *Other*

Explanatory note:

This heading covers a range of products (other than those having the character of medicaments, including veterinary medicaments - heading 30.03 or 30.04) intended to destroy pathogenic germs, insects (mosquitoes, moths, Colorado beetles, cockroaches, etc.), mosses and moulds, weeds, rodents, wild birds, etc. Products intended to repel pests or used for disinfecting seeds are also classified here. These insecticides, disinfectants, herbicides, fungicides, etc., are applied by spraying, dusting, sprinkling,

coating, impregnating, etc., or may necessitate combustion. They achieve their results by nerve-poisoning, by stomach-poisoning, by asphyxiation or by odour, etc. The heading further covers anti-sprouting products and plant-growth regulators intended to inhibit or promote physiological process in plants. Their modes of application vary and their effects range from destruction of the plant to enhanced growth-vigour and improved crop-yield.

The products of heading 38.08 can be divided into the following groups:

I. Insecticides

Insecticides include not only products for killing insects, but also those having a repellent or attractant effect. The products may be in a variety of forms such as sprays or blocks (against moths), oils or sticks (against mosquitoes), powder (against ants), strips (against flies), cyanogen gas absorbed in diatomite or paperboard (against fleas and lice).

Many insecticides are characterized by their mode of action or method of use. Among these are:

- insect growth regulators: chemicals which interfere with biochemical and physiological processes in insects.*
- fumigants: chemicals which are distributed in the air as gases.*

It is seen that the HSN classifies repellants under the heading for 'insecticides' and oils and sticks used against mosquitoes are also classified in the heading.

In view of the judgements as well as the evidence produced by the applicant which conform to the tests laid down by the Courts, I am inclined to accept the contention of the applicant. It is seen from the sale invoice that the applicant has collected tax @ 12.5% on the sale of the mosquito repellants. Therefore, as a fall-out of the determination order, the excess tax collected by the applicant becomes amenable to forfeiture.

06. In the backdrop of the discussion held herein above, it is hereby ordered that

ORDER

(Under section 56 (1) (e) of Maharashtra Value Added Tax Act, 2002,)

No.DDQ-11/ Adm-3/57 /B-1

Mumbai,dt.12.08.08

The rate of tax applicable to the product "Mosquito Coil" sold vide invoice No. 22 dt 1.11.2007 is 4% being covered by schedule entry C-34. The excess tax collected by the applicant becomes amenable to forfeiture under sub-section 10 of section 29 of the MVAT Act, 2002.

(Sanjay Bhatia)
Commissioner of Sales Tax,
Maharashtra State, Mumbai.

