

**IN THE OFFICE OF COMMISSIONER  
DEPARTMENT OF TRADE AND TAXES  
GOVERNMENT OF N.C.T. OF DELHI  
VYAPAR BHAWAN, NEW DELHI**

No.346/CDVAT/2013/215

Dated: 29.11.2013

M/s. SRF Limited,  
RELCO, Y-35, Okhla Phase-II,  
Delhi-110020.  
Regd. Office : C-8, Safdarjung Dev. Area,  
New Delh-110016.

**ORDER**

Present for the Applicant : Sh. Manoj Kumar Kanth, Counsel  
Present for the Department : Sh. T.C. Sharma, Departmental  
Representative

The above named applicant filed an application on 29/10/2013 under section 84 of Delhi Value Added Tax Act, 2004 (hereinafter referred to as the "said Act") and the question put up for determination of rate of tax under the aforesaid provision of law are as under:-

**"Refrigerant blends, commonly known as R-404A, R-407C & R-410A, fall under which entry of DVAT schedule? What is the applicable VAT rate on Refrigerant blends?"**

2. The application has been preferred in the prescribed format DVAT-42 and the requisite fee of Rs.500/- paid through demand draft No. 393729 dated 29.10.2013 of Indian Overseas Bank, Lajpat Nagar, New Delhi.
3. M/s. SRF Limited , is a registered dealer having TIN 07930021349. Sh. Manoj Kumar Kanth, Counsel of the Company appeared and reiterated the grounds of the determination application and requested to determine the tax rate on refrigerant blends named R-404A, R-407C



and R-410A, which are made by mixing two or more refrigerant gases. Their composition is as under:

- R404A - is a blend of HFC 125(44% +/- 2%), HFC 134a (4% +/-2%) and HFC 143a (52% +/- 2%)
- R407C - is a blend of HFC 32 (23% +/- 2%); HFC 125 (25% +/- 2%) and HFC 134a (52% +/- 2%)
- R410A - is a blend of HFC 32 and HFC 125 in the ratio of 50% (+/- 2%) each.

The counsel for the applicant stated that individually these components of blends i.e. HFC 32, HFC 125, HFC 134a, HFC 143a are 'Halogenated derivatives of Hydrocarbon' covered under sub entry no.85 of entry no.84 relating to 'Industrial inputs' under Third Schedule appended to the DVAT Act, 2004 and fall under Excise Tariff 2903.39.19. The refrigerant blends under consideration i.e. R-404A, R-407C and R-410A fall under Excise Tariff 3824.78.00.

The counsel stated that due to the multiplicity of rates being charged by various dealers in the state, a doubt has arisen about the VAT rate applicable to these blends and has sought clarification in the interest of Trade & Commerce.

4. The Departmental Representative stated that refrigerant blends under consideration i.e. R-404A, R-407C and R-410A falling under Excise Tariff sub heading 3824.78.00, are unspecified items.
5. I have gone through the pleading made by the Ld. Counsel on behalf of the applicant dealer, the argument put forth by the Departmental Representative and the Schedules appended to the DVAT Act 2004. The products under determination i.e. refrigerant blends (R-404A, R-407C and R-410A) are not covered by any entry of any schedule appended to the DVAT Act.



I am therefore of the considered view that the refrigerant blends namely R-404A, R-407C and R-410A are unspecified items taxable at the rate of 12.50% under section 4(1)(e) of the DVAT Act. Held accordingly.

**(Prashant Goyal)**  
**Commissioner, VAT**

Copy for information and necessary action to:

1. Applicant
2. Addl. Commissioner (Law & Judicial)
3. Addl. Commissioner (System)
4. Value Added Tax Officer (Policy Branch)
5. President, Sales Tax Bar Association (Regd.)
6. Guard File

  
**(Prashant Goyal)**  
**Commissioner, VAT**

