

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

No.338/CDVAT/2013/175

Dated:10-7-2013

Jai Ramdev Bangles
4501, Ist Floor, Near Jain Sthanak
Main Road, Pahari Dhiraj, Sadar Bazar,
Delhi-110006

ORDER

Present for the Applicant : Sh. Gulshan Gulati, CA
Present for the Department : Sh. T.C. Sharma, Departmental
Representative

The above named applicant filed an application on 31/05/2013 under section 84 of Delhi Value Added Tax Act, 2004 (hereinafter referred to as the "said Act") and the question put up for determination under the aforesaid provision of law is as under: -

“Whether the sale of all kinds of Bangles (except made of precious metals) are exempt from tax under section 6 of DVAT Act, 2004?”

2. The application has been preferred in the prescribed format DVAT-42 and the requisite fee of Rs.500/- paid through banker's cheque no. '840525' dated 30.05.2013.
3. The applicant is registered with the department having TIN no. 07570446504 and engaged in the trading of all kinds of Bangles (except made of precious metals).
4. Sh. Gulshan Gulati, Counsel for the applicant appeared and reiterated the grounds of the determination application. He has filed the determination application for clarifying the rate of tax on bangles.

5. The Departmental Representative stated that there are three relevant entries related to bangles in the said Act which are as under:

Entry no. 20 of Schedule I- All bangles except those made of precious metals.

Entry no. 2 of Schedule II- Articles of Gold, Silver and Precious Metals including Jewellery made from gold, silver and precious metals

Entry no. 109 of Schedule III- Imitation jewellery

The departmental representative submitted the list of types of 'jewellery' obtained from the website Wikipedia which also includes bangles. But the entry no. 20 of Schedule I is very specific and covers all types of bangles whether made of shell, glass, lac, plastic or any other metal except those made of precious metals, which are taxable at the rate of 1% as per entry no. 2 of Schedule II appended to the DVAT Act.

6. I have perused in detail the application filed under Section-84 of the Delhi Value Added Tax Act, 2004 and heard both the parties. After going through the various schedules appended to the said Act, I am of the considered view that through entry no. 20 of the Schedule I, the intent of the legislature is to exempt all types of bangles and the only exception provided in the said entry is bangles made of precious metals. As a general rule when there are two entries for one item, and one is specific and another is general, in such cases, the item shall be covered by the specific entry and not by general entry. Accordingly, the bangles shall be covered by the entry no. 20 of the Schedule I appended to the Delhi Value Added Tax Act, 2004. Further, the bangles made of precious metals shall be covered by entry no. 2 of Schedule II and be taxable accordingly. 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