

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

No.328/CDVAT/2013/104

Dated: 25-04-2013

Hathkargha Laghu Patang  
Udyog Samiti (Regd.), 1902,  
Bazar Lal Kuan, Delhi-110006

**ORDER**

Present for the Applicant : Sh. R.S. Negi, Advocate  
Present for the Department : Sh. T.C. Sharma, Departmental  
Representative

The above named applicant filed an application on 10/01/2013 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 Patang Charkhi, Patang Dor & Patang Manjha are exempted from Tax under DVAT Act, 2004?"***

2. The application has been preferred in the prescribed format DVAT-42 and the requisite fee of Rs.1500/- paid through bank draft no. 848161 dated 07.01.2013.
3. Hathkargha Laghu Patang Udyog Samiti is registered samiti with registration no. 41919 under Laghu/Kuteer Udyog. The company is a manufacturer and seller of items Patang Charkhi, Patang Dor, Patang Manjha/Thread etc.
4. Sh. R. S. Negi, Counsel of the company appeared and reiterated the grounds of the determination application. He stated that the item Patang Dor and Patang Manjha is basically made of Yarn Cotton/Silk in hank and cone and sold in the shape of coil/loop/piece/shein. The Counsel further submitted that as the material from which these items are made are tax free items;

therefore, these items should also be covered at entry no. 10 of Schedule I of DVAT Act, 2004. Similarly, he submitted that Patang Charkhi (a hand made with bamboo sticks) being a handicraft item should be exempted from tax, likewise in other states. Further, counsel referred to the Schedules of various states in which these items are already exempted from tax.

6. The Departmental Representative submitted that items discussed at entry no. 10 of Schedule I of the said Act, are in their primary form and are used by some other industries e.g. textile industry to produce another products but in the instant case items i.e. Patang Dor and Patang Manjha are not in their primary forms. Hence, both of these are unspecified item under section (4) (1) (e) of the DVAT Act, 2004

7. 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 with the Delhi Value Added Tax Act, 2004, I am of the considered view that items Patang Dor, Patang Manjha and Patang Charkhi are not covered by any other entry of any other schedule appended to the said Act and hence is an unspecified items under section (4) (1) (e) of the DVAT Act, 2004 and taxable @12.5%. 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**