

**GIB/DL/ALD AUTOMOTIVE/12-10-2018/SC-9**

**Supreme Court Category :** Input Tax Credit

**State :** Delhi

**Order No.:** GIB/DL/ALD AUTOMOTIVE/12-10-2018/SC-9

**Name of Entry :**  
ALD Automotive Pvt. Ltd.

**Date :** 12-10-2018

**Breif Issue :**

**Facts & Issue of The Case:**

The appellant Ms. ALD Automobile Pvt. Ltd. Company is a registered dealer under Tamil Nadu VAT Act, 2006. It is engaged in the business of leasing and fleet management of the motor vehicles and resale of used motor vehicles and resale of used motor vehicles. The head office of the company is in Mumbai which negotiates the purchase price with the local registered in Tamil Nadu.

The appellant company issues the purchase order to the registered dealer along with the payment including the tax payable under the Tamil Nadu VAT Act, 2006. The dealer also raises the tax invoice, the invoice of such purchases are received after a considerable delay as the original documents are sent to the Regional Transport Authority for registration of the vehicle.

The appellant had outsourced the job of collection of original tax to one M/s. MID Controls Private Limited, when the appellant had filed its returns for the assessment year 2007-08 for want of the said tax invoice, the said input tax credit could not be claimed. However they filed revise return but could not claim ITC. But the appellant was entitled to Claim ITC as per Section 19(2) of the Tamil Nadu VAT Act, 2006. The appellant had filed a monthly return for the month of March, 2008 but there was delay in filing the return due to late receipt of original invoice, they revised the return in March 2009.

But as per the Section 19(11), if a dealer has not claim the ITC for a particular month, the same can be claimed before the end of the financial year or before 90 days from date of purchase, whichever is earlier.

**Decision of Advance Ruling Authority :**

**Decision**

It Concluded that ITC is admissible only as per conditions enumerated under Section 19 of the Tamil Nadu Value Added Tax Act, 2006. The interpretation put up by this Court on Section 3(2) and 3(3) and Section 19(2) is fully attracted while considering the same provisions of Section 3(2) and 3(3) and provision of Section 19(11) of the Act. The Statutory scheme delineated by Section 19(11) neither can be said to be arbitrary nor can be said to violate the right guaranteed to the dealer under Article 19(1)(g) of the Constitution.

Thus, do not find any infirmity in the judgment of the High Court upholding the validity of Section 19(11) of the Act.

All the appeals are dismissed.