

SUPREME COURT OF INDIA

Commissioner of Sales Tax Madhya Pradesh, Indore

Vs.

Ganesh Trading Co.

(S Bharucha and V Khare JJ.)

01.09.1998

ORDER

1. Delay condoned.

Leave granted.

The question which the High Court was required to consider reads thus:

Whether, under the facts and circumstances of the case, the Board of Revenue was justified in holding that soyabean is covered under the terms and is included in entry No. 1 of Part V of Schedule II to the Act and is liable to ax at the rate of 3 per cent specially when it is covered under Clause (iv) of entry No. (vi) of Section

14 of the Central Sales Tax Act ?

2. The High Court answered the question in the affirmative and in favour of the assessee. The State is in appeal by special leave.

3. It is clear from a reading of the question as also the order of the Board of Revenue that the article to be taxed was soyabean and not soyabean husk. The decision of the Board of Revenue and the High Court in the case of General Foods Private Limited relating to soyabean husk could not have been applied to this matter. Soya beans are oil-seeds and are specifically covered by entry 4, Part IV of Schedule II to the M.P. General Sales Tax Act and must be taxed accordingly. The answer to question is, therefore, answered in the negative and in favour of the Revenue.

4. Order on the appeal accordingly. No order as to costs.