

No.C1/1809/TC/2007

Transport Commissionerate
Kerala Thiruvananthapuram.
Dated: 30-06-2007.

From

The Transport Commissioner
Thiruvananthapuram.

To

All Deputy Transport Commissioners
All Regional Transport Officers and
All Joint Regional Transport Officers of Sub Offices.

Sir,

Sub : - Motor Vehicle Department - Registration of Vehicles without insisting entry tax in view of the order of Hon'ble High Court - Clarification issued reg.

Ref : - 1. Decision of Hon'ble High Court in OP No.434 of 1996 & connected cases.
2. Government letter No. 1367/B3/2007/Tran dated 14.06.07.

Your attention is invited to the references cited. As per Section 18 of Kerala Tax on Entry of Goods in to Local Areas Act, 1994, no registration authority shall register any motor vehicles, unless payment of entry tax has been made in respect of those vehicles which are brought from other state within a period of 15 months from the date of initial registration. But the Hon'ble High Court in Thressiamma.L.Chirayil Vs. State of Kerala (2007(1) KLT 303) held that no tax shall be levied or collected for certain goods including motor vehicles which are brought from other state on their entry into this state. In view of the order a clarification was sought from Government in this matter.

As per reference second cited Government have informed that Taxes Department in Government has already moved an SLP against the decision of the Hon'ble High Court quashing entry tax Act. However the court decision concerned is applicable to our Department also and legally Entry tax cannot be enforced at present.

Hence all the Registering/Addl. /Asst. registering Authorities are directed to register vehicles brought from other states without insisting entry tax.

Yours faithfully,
Sd/-
Transport Commissioner.