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കേരള സർക്കാർ
Government of Kerala
2017



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കേരള ഗസറ്റ്
KERALA GAZETTE

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അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Taxes (B) Department
NOTIFICATION

G. O. (P) No. 145/2017/TAXES

*Dated, Thiruvananthapuram, 15th November, 2017.
30th Thulam, 1193.*

S. R. O. No. 721/2017.—In exercise of the powers conferred by sub-section (1) of section 11 of the Kerala State Goods and Services Tax Act, 2017 (20 of 2017), the Government of Kerala, on the recommendations of the Council, hereby makes the following amendments to the notification issued under G. O. (P) No. 63/2017/TAXES, dated 30th June, 2017 and published as S. R. O. No. 361/2017 in the Kerala Gazette Extraordinary No. 1351 dated 30th June, 2017, namely:—

AMENDMENT

In the said notification,

(A) in the SCHEDULE,—

(i) against serial number 27, in column (3), for the words “other than put up in unit containers and bearing a registered brand name”, the words, brackets, symbols and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]” shall be substituted;

(ii) against serial numbers 29 and 45, in column (3), for the words “other than put up in unit container and bearing a registered brand name”, the words, brackets, symbols and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]” shall be substituted;

(iii) against serial numbers 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77 and 78, in column (3), for the words “other than those put up in unit container and bearing a registered brand name”, the words, brackets, symbols and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

- (b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" shall be substituted;
- (iv) against serial number 101, in column (3), for the words "other than put up in unit container and bearing a registered brand name", the words, brackets, symbols and letters "other than those put up in unit container and,—
- (a) bearing a registered brand name; or
- (b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" shall be substituted;
- (v) against serial number 108, in column (3), for the words "other than put up in unit containers and bearing a registered brand name", the words, brackets, symbols and letters "other than those put up in unit container and,—
- (a) bearing a registered brand name; or
- (b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" shall be substituted;
- (vi) in Serial Number 102, for the entries in column (2), the entries "2301,2302, 2308, 2309", shall be substituted;
- (vii) after Serial Number 102 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:—

102A	2306	Cotton seed oil cake" ;
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- (viii) after Serial number 130 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:—

"130A	50 to 55	Khadi fabric, sold through Khadi and Village Industries Commission (KVIC) and KVIC certified institutions/outlets" ;
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- (ix) after Serial number 135 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:—

"135A	69	Idols made of clay" ;
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- (x) in Serial number 138, for the entry in column (3), the entry "Charkha for hand spinning of yarns, including amber charkha" shall be substituted;
- (xi) in Serial number 143, for the entry in column (3), the entry "Indigenous handmade musical instruments as listed in ANNEXURE II" shall be substituted;
- (xii) in Serial number 144, for the entry in column (3), the entry "Muddhas made of sarkanda, Brooms or brushes, consisting of twigs or other vegetable materials, bound together, with or without handles", shall be substituted;
- (B) in the Explanation, for clause (ii), the following clause shall be substituted, namely:—

"(ii) (a) The phrase "brand name" means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase "registered brand name" means,—

(A) a brand registered as on the 15th May, 2017 under the Trade Marks Act, 1999 (Central Act 47 of 1999) irrespective of whether or not the brand is subsequently deregistered;

(B) a brand registered as on the 15th May, 2017 under the Copyright Act, 1957 (Central Act 14 of 1957);

(C) a brand registered as on the 15th May, 2017 under any law for the time being in force in any other country.”;

(c) after paragraph 2, the following Annexures shall be inserted, namely:—

“ANNEXURE I

For foregoing an actionable claim or enforceable right on a brand name,—

(a) the person undertaking packing of such goods in unit containers which bears a brand name shall file an affidavit to that effect with the Commissioner of State tax that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii) (a); and

(b) the person undertaking packing of such goods in unit containers which bear a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii) (a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily.

ANNEXURE II

List of indigenous handmade musical instruments

1. Bulbul Tarang
2. Dotar, Dotor, or Dotara
3. Ektara
4. Getchu Vadyam or Jhallari
5. Gopichand or Gopiyantira or Khamak
6. Gottuvadhyam or Chitravina
7. Katho
8. Sarod
9. Sitar
10. Surbahar
11. Surshringar
12. Swarabat
13. Swarmandal
14. Tambura
15. Tumbi
16. Tuntuna
17. Magadi Veena
18. Hansaveena
19. Mohan Veena
20. Nakula Veena
21. Nanduni
22. Rudra Veena
23. Saraswati Veena
24. Vichitra Veena
25. Yazh
26. Ranjan Veena

27. Triveni Veena
28. Chikara
29. Dilruba
30. Ektara violin
31. Esraj
32. Kamaicha
33. Mayuri Vina or Taus
34. Onavillu
35. Behala (violin type)
36. Pena or Bana
37. Pulluvan veena – one stringed violin
38. Ravanahatha
39. Folk sarangi
40. Classical sarangi
41. Sarinda
42. Tar shehnaï
43. Gethu or Jhallari
44. Gubguba or Jamuku – Percussion string instrument
45. Pulluvan kutam
46. Santoor – Hammered chord box
47. Pepa
48. Pungi or Been
49. Indian Harmonium: Double reed
50. Kuzhal
51. Nadaswaram
52. Shehnaï
53. Sundari
54. Tangmuri
55. Alghoza – double flute

56. Bansuri
57. Venu (Carnatic flute) Pullanguzhal
58. Mashak
59. Titti
60. Sruti upanga
61. Gogona
62. Morsing
63. Shruti box
64. Harmonium (hand - pumped)
65. Ekkalam
66. Karnal
67. Ramsinga
68. Kahal
69. Nagphani
70. Turi
71. Dhad
72. Damru
73. Dimadi
74. Dhol
75. Dholak
76. Dholki
77. Duggi
78. Ghat singhari or gada singari
79. Ghumot
80. Gummeta
81. Kanjira
82. Khol
83. Kinpar and Dhopar (tribal drums)
84. Maddale

85. Maram
86. Mizhavu
87. Mridangam
88. Pakhavaj
89. Pakhavaj jori – Sikh instrument similar to tabla
90. Panchamukha vadyam
91. Pung
92. Shuddha madalam or Maddalam
93. Tabala/tabai/chameli – goblet drum
94. Tabla
95. Tabla tarang – set of tablas
96. Tamte
97. Thanthi Panai
98. Thimila
99. Tumbak, tumbaknari, tumbaknaer
100. Daff, duff, daf or duf Dimdi or dimri – small frame drum without jingles
101. Kanjira – small frame drum with one jingle
102. Kansi – small without jingles
103. Patayani thappu – medium frame drum played with hands
104. Chenda
105. Dollu
106. Dhak
107. Dhol
108. Dholi
109. Idakka
110. Thavil
111. Udukai
112. Chande

113. Nagara – pair of kettledrums
114. Pambai – unit of two cylindrical drums
115. Parai thappu, halgi – frame drum played with two sticks
116. Sambal
117. Stick daff or stick duff – daff in a stand played with sticks
118. Tamak
119. Tasha – type of kettledrum
120. Urumee
121. Jaltarang Chimpta – fire tong with brass jingles
122. Chengila – metal disc
123. Elathalam
124. Geger – brass vessel
125. Ghatam and Matkam (Earthenware pot drum)
126. Ghungroo
127. Khartal or Chiptya
128. Manjeera or jhanj or taal
129. Nut – clay pot
130. Sankarjang – lithophone
131. Thali – metal plate
132. Thattukazhi mannai
133. Kanch tarang, a type of glass harp
134. Kashtha tarang, a type of xylophone.”

2. This notification shall be deemed to have come into force on the 22nd day of September, 2017.

By order of the Governor,

MUNHAJ ALAM,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Pursuant to the decision taken in the 21st Goods and Services Tax Council Meeting, Government of Kerala have decided to exempt inter State supplies of certain goods such as cotton seed oil cake, khadi fabric sold through Khadi and Village Industries Commission and Khadi and Village Industries Commission certified institutions, idols made of clay and charka for hand spinning yarns.

The notification is intended to achieve the above object.