

ASSAM VAT CIRCULAR Completion of scrutiny & assessment

Circular No. 1/2018 No. CTS-81/2007/Pt/39 Dated 13th June, 2018

GOVERNMENT OF ASSAM

OFFICE OF THE COMMISSIONER OF TAXES, ASSAM

KAR BHAVAN- DISPUR -GUWAHATI-6

Sub : Completion of scrutiny & assessment up to 30th June, 2017 of all acts subsumed in GST - Reg

With implementation of Assam Goods and Services Act, 2017 from 1st July, 2017 Assam Value Added Tax Act, 2003 and Central Sales Tax Act, 1956 [except alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas and aviation turbine], Assam Entry Tax Act, 2008, Assam Amusement and Betting Tax Act, 1939, Assam Tax on Luxuries (Hotels, Lodging Houses and Hospitals) Act, 1989 and Assam Health Infrastructure and Services Development Fund Act, 2009 are repealed with effect from 01-07-2017. The dealers registered under above Act shall discharge their liability up to 30-06-2016 under the said Acts.

(1) The dealers who are registered under the above acts are required to be scrutinized under provision of the respective Acts for the period up to 30-06-2017 and complete assessment / audit assessment wherever necessary or allotted from higher authority. As such, all pending scrutiny / assessment / audit assessment should be completed within 30-09-2018 without fail.

(2) As per Section 9 (2) of the Central Sales Tax Act, 1956, the provision of assessment under General Sales Tax Law is applicable for dealers under Central Sales Tax Act, 1956. Therefore, the provision of assessment under Assam Value Added Tax Act, 2003 applies to the dealers under Central Sales Tax Act, 1956. Under this act, a dealer claims concessional rate of tax on the strength of statutory forms. The dealer may or may not possess the statutory forms. It is therefore necessary to verify the authenticity of the statutory forms and their correctness in respect of claim of concessions rate of tax. In view of the above, all Assistant Commissioners of Taxes / Superintendent of Taxes are directed to take up audit assessment of all the dealers registered under Central Sales Tax Act having annual inter-state turnover including stock transfer and export of Rs.10 lakhs or more for central sales tax returns upto 2016-17 and Rs.2.5 lakhs for the quarter 30-06-2017 excluding the dealers who have been taken up for audit assessment. The audit assessment upto 30-06-2017 should be completed within 30-09-2018 without fail.

(3) As per section 47 of the Assam Value added Tax Act, 2003, tax is deducted at source and TDS Certificates are issued to dealers for execution of works contracts, supply of goods and lease transactions. The dealers may claim such TDS in their returns without furnishing the TDS certificate with the copy/copies of challans. Secondly, it is observed in some cases that works contractors imports goods from outside the State for the works contract and dispose the rest for purposes not permissible under the law. Considering

the nature of the works contract, the assessing officers can easily infer from the returns submitted and utilization of statutory forms issued in a particular financial year whether the goods imported on the strength of statutory forms have been utilized for works contract or have been disposed/used otherwise. In view of the above, all Assistant Commissioners/Superintendent of Taxes are directed to take up audit assessment of

dealers within their own circle upto 30-06-2017, If

(i) the dealer has claimed tax deducted at source of Rs. 4 lakh or more in a financial year upto 2016-17 and Rs.1 lakh or more in the quarter 30-06-2017; or

(ii) the dealer has imported goods worth more than Rs 10 lakh in a financial year upto 2016-17 and more than Rs. 2.5 lakh in the quarter 30-06-2017 for use in the works contract.

It is again reiterated that scrutiny / assessment / audit assessment has to be completed within 30-09-2018 under all acts subsumed in GST. Any failure or deviation shall be viewed seriously.

Sd/=

(Anurag Goel, IAS.,)

Commissioner of Taxes, Assam

Dispur, Guwahati-6