

NOTIFICATION

**Finance Department,
Sachivalaya, Gandhinagar
Dated the 22nd March, 2006**

No. (GHN-11) VAR-2006 (1) /Th - WHEREAS the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make the rules and to dispense with the previous publication thereof under the proviso to sub-section (4) of section 98 of the Gujarat Value Added Tax Act, 2003 (Guj. 1 of 2005):

Now, therefore, in exercise of the powers conferred by section 98 of the Gujarat Value Added Tax Act, 2003 (Guj. 1 of 2005), the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER I PRELIMINARY

1. Short title and commencement.

- (1) These rules may be called the Gujarat Value Added Tax Rules, 2006.
- (2) They shall come into force from the 1st April, 2006.

2. Definitions.

In these rules, unless the context otherwise requires, -

- (a) **‘Act’** means the Gujarat Value Added Tax Act, 2003 (Guj. 1 of 2005);
- (b) **“authorized person”** means a person authorized under section 81 to appear on behalf of a dealer or a person who is required to attend before any authority under the Act;
- (c) **“chief place of business”** means in relation to a dealer in any area within the jurisdiction of a Commercial Tax Officer, the place of business mentioned as his chief place of business in the certificate of registration granted under section 21 or 22 or deemed to have been granted under section 23;
- (d) **“earlier rules”** means the Gujarat Sales Tax Rules, 1970, the Bombay Sales of Motor Spirit Taxation Rules, 1958 or the Gujarat Purchase Tax on Sugarcane Rules, 1999;
- (e) **“form”** means form appended to these rules;
- (f) **“Government Treasury”** means,
 - (i) in relation to a dealer registered within the jurisdiction of a Commercial Tax Officer, the District Treasury or, as the case may be, the Sub-Treasury where chief place of the business of the dealer is situated, or
 - (ii) in relation to a dealer, who carries on the business of buying or selling goods in the State of Gujarat but who has no fixed or regular place of business in the State of Gujarat, the District Treasury of Ahmedabad;
- ¹[(ff) **“provisional registration number”** means the registration number given under rule 5 or rule 6A as provisional registration number for a period up to the issuance of the registration certificate;]
- ²[(g) **“tax period”** for the purpose of return to be furnished by the dealer under the Act shall be,-
 - (i) a period of calendar month for the monthly return;

1. In rule 2, Clause (ff) shall be inserted by Notification No.GHN-41/VAR-2011(32)/TH Dt.1/12/2011

2. In rule 2, for Clause (g) shall be substituted by Noification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006. Earlier Clause (g) : “tax period” in respect of a registered dealer, - (i) other than referred to in sub-clause (ii), shall be a period of calendar month, (ii) who has been granted permission to pay lump sum tax under section 14, 14C or 14D, or who falls under the category of sub-rule (3A) of rule 19 shall be periods of quarter ending on 30th June, 30th September, 31st December and 31st March of any year;

³[(ii) xxx

(iii) xxx]

(h) **“Registering authority means”**, -

(i) in respect of a dealer not being the dealer referred to in sub-clause (ii), the Commercial Tax Officer having jurisdiction over the local area in which chief place of business of the dealer is situated, and

(ii) in respect of a dealer who has no fixed or regular place of business in the State, the Commercial Tax Officer (Nonlocalized dealers);

(i) **“Schedule”** means the Schedule appended to the Act;

(j) **“section”** means the section of the Act;

(k) **“website”** means the website as notified by the Commissioner.

⁴[(l) the words and expression used in these rules but not defined hereinabove shall have the same meanings as respectively assigned to them in the Act.]

⁵[2A(i). **Goods returned to a dealer:-**

Where a dealer who has received kerosene (Linear Alkyl Benzene Feed Stock) for use in the manufacture of Linear Alkyl Benzene and during the process of manufacturing of Linear Alkyl Benzene has returned the balance quantity of kerosene (Linear Alkyl Benzene Feed Stock) to the seller, such quantity of kerosene (Linear Alkyl Benzene Feed Stock) in return-stream shall be treated as goods returned.]

⁶[2A(ii) Where a dealer who has received liquified petroleum gas (Polyisobutylene Feed Stock) for use in the manufacture of Polyisobutylene and during the process of manufacturing of Polyisobutylene has returned the balance quantity of liquified petroleum gas (Polyisobutylene Feed Stock) to the seller, such quantity of liquified petroleum gas (Polyisobutylene Feed Stock) in return stream shall be treated as goods returned.”]

3. In Rule 2. in clause (g), sub-clasue (ii) and (iii) shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.|| Earlier sub-clause (ii) &(iii):(ii) a period of quarter ending on 30th June, 30th September, 31st December and 31st March in a year for the quarterly return; and (iii) a period of six months ending on 30th September and 31st March in a year for the half yearly return ;

4. In rule 2, clause (l) shall be insrted by Notification No.GHN-42/VAR-2006(2)/TH Dt.1/4/2006

5. After rule 2, rule 2A shall be inserted by Notification No.GHN-18/VAR-2007(10) Dt.22/5/2007

6. In rule 2A, after sub-rule (1), sub-rule (ii) shall be inserted by Notification No.GHN-46/VAR-2008(2)/TH Dt.4/10/2008.

CHAPTER-II

COMMERCIAL TAX AUTHORITIES AND TRIBUNAL

3. Subordination of officers.

For the purpose of **sub-section (8) of section 16**, the subordination of the officers and persons shall be as follows, namely:-

- (a) a Joint Commissioner shall be subordinate to an Additional Commissioner and a Special Commissioner.
- (b) a Deputy Commissioner shall be subordinate to a Joint Commissioner, an Additional Commissioner and a Special Commissioner.
- (c) an Assistant Commissioner shall be subordinate to a Deputy Commissioner, a Joint Commissioner, an Additional Commissioner and a Special Commissioner,
- (d) a Commercial Tax Officer shall be subordinate to an Assistant Commissioner, a Deputy Commissioner, a Joint Commissioner, an Additional Commissioner and a Special Commissioner, and
- (e) any officer or a person appointed under clause (e) of sub-section (2) of section 16 shall be subordinate to a Commercial Tax Officer and an Assistant Commissioner, within whose jurisdiction he performs his functions.

4. Qualification of members of Tribunal and terms of office.

- (1) Every member of the Tribunal either shall be a person who –
 - (a) has been a High Court Judge, or
 - (b) has been a District Judge, or
 - (c) is qualified for appointment as a High Court Judge or a District Judge and has held judicial office for not less than ten years, or
 - (d) is a Chartered Accountant and has practiced as such for not less than ten years, or
 - (e) has been in practice as an advocate for not less than ten years, or
 - ⁷[(f) has served or has been serving in the Commercial Tax Department in a post not lower than that of a Joint Commissioner,
Provided that he has served in a post of Deputy Commissioner or a higher post for not less than five years or,]
 - (g) has experience of taxation matters and having held position not below the rank of Joint Secretary to the Government:
Provided that where a member who has been High Court Judge, he shall be the President of the Tribunal.

⁷ In Rule 4(1), for clause (f) shall be substituted by Notification No.GHN-32)?VAR-2009(23) / TH Dt.13/11/2009.
Earlier clause (f): has served in the Sales Tax Department in the rank not lower than that of a Joint Commissioner for a period not less than three years, or

- (2) A member of the Tribunal shall hold office until he attains the age of sixty-five years:
Provided that where member of the Tribunal is of a rank of High Court Judge, the Government may extend the age limit by a maximum of two years for such member.
- (3) A member of the Tribunal may on the expiry of his term of his office, be eligible for re-appointment.
- (4) A member of the Tribunal may at any time in writing addressed to the State Government resign his office and his resignation shall take effect from the date on which it is accepted.

CHAPTER III REGISTRATION

5. Application for registration.

⁸(1) Every dealer who is required by sub-section (1) of section 21 to possess a certificate of registration or any dealer who intends to apply under sub-section (1) of section 22 for a certificate of registration, shall make an application in Form 101 along with the Forms appended to Form 101, uploading on the website alongwith the scanned copies of Form 101 alongwith the Forms appended to Form 101 duly signed and scanned copies of the following documents:-

- (a) any one of the following documents for identification possessed by the proprietor, anyone of the directors of company, anyone of the partners of the partnership firm or anyone of the members of HUF and others,-
 - (i) PAN Card
 - (ii) Passport
 - (iii) Identity card issued by the Election Commission of India
 - (iv) Driving Licence
 - (v) Unique Identification Card
- (b) any one of the following documents for residential proof possessed by the proprietor, anyone of the directors of company, anyone of the partners of the partnership firm or anyone of the members of HUF and others,-
 - (i) Passport
 - (ii) Identity card issued by the Election Commission of India
 - (iii) Driving License
 - (iv) Unique Identification Card
 - (v) Last paid Electricity bill (in the name of applicant or his parents or spouse,
 - (vi) Last paid Telephone bill (in the name of applicant or his parents or spouse,
- (c) any one of the following documents for proof of place of business in the name of applicant, his parents or spouse,-
 - (i) property card or property tax bill of last year,
 - (ii) copy of index-2 issued by the Sub-Registrar of stamp duties,

8. In rule 5, for sub-rule (1) shall be substituted by Notification No. GHN-41/VAR-2011(32)/Th Dt. 1/12/2011.
Earlier sub-rule (1): Every dealer who is required by sub-section (1) of section 21 to possess a certificate of registration; or any dealer who intends to apply under sub-section (1) of section 22 for certificate of registration, shall make an application in Form 101 to the registering authority.

- ⁹[(iii) agreement or lease deed duly executed in case of the rented premises(copy of property card or property tax bill of last year or copy of latest index-2 issued by the Sub-Registrar of Stamp Duties received by the owner of the rented premises shall be attached.)]
- (iv) certificate issued by the local authority in respect of shops and establishment,
- (d) following documents :-
- (i) certificate issued by the registrar of companies and Articles of Association in case of a company;
- (ii) Partnership deed in case of partnership firm or HUF.
- ¹⁰[(iii) Copy of DIN (Director Identification Number) obtained from the registrar of companies in case of private or public limited company.]
- ¹¹[XXX]
- (2) A dealer who becomes liable to pay tax under section 3 shall submit an application for registration within thirty days of the relevant date of effect applicable to him as per sub-section (3) of section 3:
Provided that a dealer registered under any of the earlier laws who is deemed to have been registered under section 23 shall not be required to submit an application under this sub-rule.
- (3) A dealer having -
- (a) one place of business shall make an application for registration to the registering authority within whose jurisdiction his place of business is situated;
- (b) more than one place of business shall make an application to the registering authority in whose jurisdiction his chief place of business is situated.
- (4) An application for registration shall be made, verified and signed in the case of a business carried on by -
- (a) an individual, by the proprietor,
- (b) a firm, by a partner thereof,
- (c) a Hindu Undivided Family, by the karta,
- (d) a body corporate (including a company, co-operative society, corporation or the local authority) by director, manager, secretary or the principal officer thereof,

9. In Rule 5(1), in clause (c), for sub-clause (iii) shall be substituted by Notification No. (GHN-36) VAR-2016(39)/Th dated 31-05-2016.

Earlier sub-clause (iii): agreement or lease deed duly executed in case of the rented premises,

10. In Rule 5(1), in clause (d), Sub-clause (iii) shall be inserted by Notification No. GHN-36/VAR-2016(39)/Th Dt. 31/05/2016.

11. In rule 5(1), clause (e) shall be deleted by Notification No.GHN-36/VAR-2016(39)/TH Dt.31/2/2016

Earlier clause (e) : copies of chalan for the payment towards amount of security

- (e) a Government Department, by a person duly authorized to act on its behalf,
 - (f) an association of individuals to which clause (b), (c) or (d) does not apply, by the person managing the business of such association.
- (5) In the case of a firm, every partner thereof shall furnish the declaration as provided in **Form 101**.
- (6) The person verifying and signing an application for registration shall specify in the application, the capacity in which he does so and shall give particulars of the authority vested in him for verifying and signing the application.
- (7) In the case of a business carried on by an individual, a firm, a Hindu Undivided Family or an unincorporated association of individuals, the name and permanent residential address of such individual, each of the partners of the firm, members of the Hindu Undivided Family or, as the case may be, members of the managing committee of the association, and of persons having any interest in the business, shall be stated in the application for registration.
- (8) The application for registration shall be accompanied by two copies of recent passport size photograph, as follows, duly attested by a¹²[Chartered Accountant or] Sales tax Practitioner whose name has been registered in the list maintained by the Commissioner or by a Gazetted Officer or an advocate: -
- (i) in respect of an individual, the photograph of the proprietor,
 - (ii) in respect of a Hindu Undivided Family, the photograph of the karta,
 - (iii) in respect of a partnership firm, the photographs of all the partners.
 - (iv) in respect of a private limited company or a limited company, photographs of all members of board of directors:
- Provided that*** in the case of a State or Central Government organization, it will not be required to furnish photograph of a person who is appointed as a nominee of Government.
- (9) When a new person joins as a partner in the partnership firm or when a new director joins as a director of private limited company or a limited company which has already been given registration number, he shall furnish two passport size copies of his recent photographs in the manner prescribed in sub-rule (8), with an intimation of joining

12. In rule 5(8), after the words "duly attested by a", the words "Chartered Accountant or", shall be inserted by Notification No.GHN-18/VAR-2017(45)/TH Dt.12/5/2017.

as partner or a director to the registering authority within thirty days from the date of his joining in the partnership firm.

- (10) The application for registration shall be accompanied by details of property held by the dealer including the property held by the partner, Director, Trustee or, as the case may be, karta of Hindu Undivided Family:

Provided that in case of a person who is appointed as a nominee of Government, either State or Central Government or a financial Institution, it shall not be necessary to furnish the details as provided in this sub-rule.

- ¹³⁻¹⁴[(11) A dealer applying for registration under this rule shall deposit, ¹⁵[by way of e-payment] an amount of rupees ten thousand in the Government treasury for each registration under the State Act, towards security in accordance with the provisions of sub-section (1) of section 28 or under the Central Sales Tax Act, 1956, ¹⁶[as the case may be, and an amount of rupees twenty five thousand if applied for registration under section 22 of the Act.]

- (12) The amount so deposited towards security shall not be adjusted by the dealer against his liability to pay tax, penalty or interest under the Act, or under the Central Act. Such amount may be refunded on an application made by a dealer after two years from the date of registration if it is not required further for the purpose of realization of tax, interest or penalty or at the time of cancellation of registration, or at the time of rejection of application for registration, whichever is earlier:

Provided that the amount of tax, penalty, interest or any other dues under the Act, or under the Central Act, due from and payable by the dealer on the date of such refund, shall be first deducted from such refund.

- (13) If an application for registration is in order and the registering authority is satisfied with regard to the above requirements, a provisional registration number shall be given ¹⁷[within twenty four hours from uploading the application on the website alongwith required documents.]

13. In rule 5, sub-rule (11) shall be deleted by Notification No.GHN-41/VAR-2011(32)/Th Dt.1/12/2011.

Earlier sub-rule (11): Every application for registration shall be verified and finally disposed of by the registering authority within one month from the date of its receipt.

14. After rule 5(10), Sub-rule (11) to (17) shall be inserted by Notification No.GHN-41/VAR-2011(32)/Th Dt.1/12/2011.

15. In rule 5(11), after the words "Deposit", the words "by way of e-payment" shall be inserted by Notification No.GHN-36/VAR-2016(39)/Th Dt.31/05/2016.

16. In rule 5(11), for the words "as the case may be", the words and figures "as the case may be, and an amount of rupees twenty five thousand if applied for registration under section 22 of the Act", shall be substituted by Notification No.GHN-36/VAR-2016(39)/Th Dt.31/05/2016.

17. In rule 5(13), for the words "within three working days from the date of receipt of application", the words "within twenty four hours from uploading the application on the website alongwith required documents" shall be substituted by Notification No.GHN-36/VAR-2016(39)/Th Dt.31/05/2016.

- (14) After giving the provisional registration number to such dealer, the procedure of post verification shall be carried out wherein hard copies of the required documents duly signed by the applicant shall be obtained and shall be attested by the officer carrying out post verification, If the registering authority is satisfied, a certificate of registration converting the provisional registration number into permanent registration shall be issued within forty eight working hours after the completion of post verification:
- (15) (a) during the procedure of post verification, if the registering authority is not satisfied with any detail furnished by the dealer, he shall, within three working days from the date of uploading the application on the website, give an opportunity to the dealer for the compliance of the query raised within seven days from such intimation If the registering authority is satisfied with the compliance by the dealer, a certificate of registration converting the provisional registration number into permanent registration shall be issued within one day from the date of such compliance.
- (b) If the registering authority is not satisfied with the compliance by the dealer, he shall intimate the dealer about refusal of permanent registration within seven days from the date of such compliance and that the provisional registration number given earlier shall be deemed to have been cancelled from its date of effect,”
- (16) The provisional registration number shall be deemed to have been converted into permanent registration if the procedure of post verification is not carried out ¹⁸[within eleven days from the date of uploading the application on the website alongwith required documents] and the registering authority shall issue a certificate of registration converting the provisional registration number into permanent registration.
- (17) The dealer may apply for obtaining only Form 402, Form 403 and Form 404 until the date of issue of certificate of registration.]

¹⁸ In rule 5(16), for the words “within thirty days from the date of receipt of application”, the words ““within eleven days from the date of uploading the application on the website alongwith required documents”” shall be substituted by Notification No.GHN-36/ VAR-2016(39)/Th Dt.31/05/2016.

6. **Grant of certificate of registration.**

- (1) If an application for registration is in order and the registering authority is satisfied that the goods of the applicant stored are reasonably identifiable in case of godown or warehouse shared with one or more dealers, the registering authority shall issue a certificate of registration in **Form 102**.
- (2) Where a dealer applying for registration is a firm, a Hindu Undivided Family, body corporate, or an association of individuals or the Department of the Government, the certificate of registration shall be issued in the name of such firm, Hindu Undivided Family, body corporate, association or, as the case may be, the Department of the Government.
- (3) Where a certificate of registration is issued under section 21 to a dealer on an application made therefor, then,-
 - (a) if such application was made within the period specified in subrule (2) of rule 5, it shall take effect from the date when he becomes liable to pay tax under sub-section (3) of section 3, or
 - (b) if such application was made after the expiry of the period specified under section 21 or, as the case may be, under subsection (5) of section 57, it shall take effect from the date on which the application was made.
- (4) Where a certificate of registration is issued under section 22 on an application made under rule 5, it shall take effect from the date on which the application was made.
- (5) When the dealer has two or more places of business within the jurisdiction of the same registering authority, the registering authority shall issue to the dealer one additional copy of the certificate of registration free of charge, for each additional place of business specified in the application for registration.
- (6) Where a dealer having more than one place of business within the jurisdiction of different registering authorities and has been granted a single certificate of registration, the registering authority of chief place of business shall issue to such dealer additional copy of the certificate of the registration free of charge, for each additional place of business specified in the application for registration and a copy of such certificate shall be forwarded to each Commercial Tax Officer within whose jurisdiction such additional place of business is situated.
- (7) When a registered dealer opens a new place of business in addition to the place or places which were in existence at the time of his registration, the authority issuing a certificate of registration shall

issue an additional copy of the certificate of registration free of charge, for such new place on application by such dealer for the same.

- (8) A registered dealer may obtain a duplicate copy of a certificate of registration or of an additional copy thereof issued to him in the event when the certificate of registration or additional copy thereof is lost, destroyed or defaced. A fee of rupees one hundred shall be payable on an application for a duplicate copy of a certificate of registration or of an additional copy thereof under this sub-rule. The fee shall be paid in court fee stamps.

¹⁹[6A. [XXX]

7. Exhibition of certificate of registration and other details.

Every registered dealer shall display conspicuously at each place of his business including branches and godown, the certificate of registration or a copy thereof and also exhibit at the entrance of his place of business including branches and godown a board showing the nature of the trade with full address and registration number of the certificates issued to him under the Act and under the Central Act.

19. For rule 6A shall be deleted by Notification No.GHN-36/VAR-2016(39)/Th Dt.31/05/2016.

Earlier rule 6A-Tatkaal Registration was inserted by Notification No.GHN-30/VAT-2010(27)Dt.25/8/2010: (1) Notwithstanding anything contained in rule 5, the dealer who is required by sub-section (1) of section 21 to possess a certificate of registration; or any dealer who intends to apply under sub-section (1) of section 22 for certificate of registration, may apply for Tatkaal Registration online, in Form 101 to the registering authority. (2) A dealer applying for registration under this rule shall deposit by way of e-payment, an amount of rupees ten thousand in the Government treasury for each registration under the Act, or under the Central Act, towards security. (3) The amount so deposited towards security shall not be adjusted by the dealer against his liability to pay tax, penalty or interest under the Act. Such amount may be refunded on an application made by a dealer after two years from the date of registration if it is not required further for the purpose of realization of tax, interest or penalty.|| Provided that the amount of tax, penalty, interest or any other dues under the Act, or under the Central Act, due from and payable by the dealer on the date of such refund, shall be first deducted from such refund. (4) A dealer applying for registration under this rule shall deposit by way of e-payment, an amount of rupees one thousand in the Government treasury for each registration under the Act, or under the Central Act towards processing fee which shall not be refunded. (5) A dealer applying for registration under this rule shall furnish copy of PAN card and any one of the following documents, namely;|| In case of proprietary firm;|| (a) proof for ownership of place of business, (b) copy of the pass port of the proprietor, (c) copy of the Election card of the proprietor, (d) copy of the Registration Certificate issued by Custom and Central Excise Authority, (e) copy of driving licence of the proprietor, (f) copy of last electricity bill of the place of business, (g) copy of last property tax bill of the place of business, or (h) copy of last landline telephone bill of the place of business;|| In case of private limited or public limited company;|| (a) copy of Certificate of Registration issued by the Registrar of Companies, (b) copy of the pass port of any one of the directors, (c) copy of the Election card of any one of the directors, (d) copy of the Registration Certificate issued by Custom and Central Excise Authority, (e) copy of driving licence of any one of the directors, (f) copy of last electricity bill of the place of business, (g) copy of last property tax bill of the place of business, or (h) copy of last landline telephone bill of the place of business;|| In case of partnership firm, HUF and others;|| (a) copy of the deeds, (b) copy of the pass port of any one of the partners/ members, (c) copy of the Election card of any one of the partners/members, (d) copy of the Registration Certificate issued by Custom and Central Excise Authority, (e) copy of driving licence of any one of the partners/members, (f) copy of last electricity bill of the place of business, (g) copy of last property tax bill of the place of business, or (h) copy of last landline telephone bill of the place of business, Note: If a dealer applying under this rule does not furnish the copy of PAN card, shall furnish copies of any three of the documents specified in this sub-rule. (6) A dealer applying for registration under this rule shall be given an opportunity for primary hearing within two working days from the date of online application. Such dealer shall furnish two copies of recent passport size photograph, the original documents and attested copies thereof at the time of primary hearing and copies of chalan for the payment towards amount of security and processing fee. (7) Such dealer or the person authorised by him shall remain present on the date of primary hearing and produce the details of bank accounts. (8) If an application for registration is in order and the registering authority is satisfied with reference to above requirements, a provisional registration number shall be issued within five working days from the date of online application. (9) After issuing the provisional registration number to such dealer, the procedure of post verification shall be carried out in accordance with the provisions under rule 5 and if the registering authority is satisfied, a certificate of registration shall be issued within thirty days from the date of online application. (10) During the procedure of post verification in accordance with the provisions under rule 5, if the registering authority is not satisfied with any detail furnished by the dealer, the provisional registration number issued earlier shall be cancelled with effect from the date of effect. (11) Such dealer shall not apply (online) for obtaining any statutory form until the date of issue of certificate of registration. (12) The Non Localised Dealer shall not be allowed to apply for Tatkaal Registration under this rule.

8. Amendment in the certificate of registration.

- (1) When,-
 - (a) a registered dealer changes his place of business which is situated within the jurisdiction of his registering authority,
 - (b) any of the contingency or events mentioned in clauses (a) to (d) of sub-section (1) of section 26 occurs or,
 - (c) any other change in respect of the business occurs such dealer shall give intimation of such change in writing within thirty days from the date of change to the registering authority.
- (2) On receipt of such intimation under sub-rule(1) and subject to sub-rule (1) of rule 6, the necessary amendment shall be made by the registering authority in the certificate of registration and shall return the certificate of registration to the dealer within thirty days from the date of receipt of application for the amendment. Where such amendment is made in the certificate of registration, such certificate of registration shall be valid for all purposes and shall be deemed to be a certificate of registration granted under rule 6.

9. Certificate of Registration to be produced before the registering authority.

- (1) The registering authority may by notice in writing require a registered dealer to produce before it his certificate of registration and all copies thereof for the purpose of carrying out any amendment therein or for any other purpose under the Act.
- (2) Every such dealer shall, within fifteen days from the date of service on him of a notice under sub-rule (1), produce the certificate of registration and copies thereof to the registering authority.

10. Cancellation or suspension of certificate of registration.

- (1) An application for cancellation of registration under sub-section (7) or sub-section (7A) of section 21 or sub-section (2) of section 27 shall be made to the registering authority in **Form-103** within thirty days of contingency or event, which necessitates the cancellation of registration.
- (2) If the registering authority is satisfied that the application submitted under sub-rule (1) is in order, it shall by order in writing, cancel the registration with effect from the date, which may be fixed in accordance with the provision of sub-section (4) of section 27.
- (3) When the Commissioner intends to cancel or suspend the registration under sub-section (5) or (5A) of section 27, he shall give a notice to the dealer in Form-104.

11. Publication of details of suspension or cancellation of certificate of registration.

- (1) The Commissioner shall publish the following details with regard to the suspension or cancellation of registration of dealers as well as the cases falling under sub-section (4) of section 27, namely:-
 - (a) name of the dealer whose registration is suspended or cancelled,
 - (b) registration number of the certificate,
 - (c) date from which certificate of registration is suspended or cancelled.
- (2) The details referred to in sub-rule (1) shall be published in any of the following manners, namely :-
 - (i) by a public circular issued by the Commissioner, or
 - (ii) by publishing the details on the website, or
 - (iii) by any other media as may be specified by the Commissioner.
- (3) The details regarding suspension or cancellation of registration shall be published within ten days of the suspension or cancellation of registration.

12. Furnishing of security.

²⁰[xxx]

- (2) Where a dealer is required to furnish security or additional security under section 28 or, as the case may be, a person or a dealer required to furnish security under proviso to sub-section (4) of section 73 or under the second proviso to sub-rule (5) of rule 45, shall,-
 - (i) furnish a bond executed by himself in **Form 105** with one surety acceptable to the authority who passes the order under the provisions referred to above for such sum as the authority may specify in the order, or
 - (ii) deposit the cash in the Government Treasury, Government securities in the form of stock certificates or Government Promissory Notes of a market value of not less than the sum as may be specified in the order or National Savings Certificate or Treasury Savings Certificate of the face value of not less

20. In rule 12, sub-rule(1) shall be deleted by Notification No.GHN-41/VAR-2011(32)/Th Dt. 1/12/2011.

Earlier sub-rule (1) : A dealer applying for registration under the Act shall furnish along with the application for registration a security in the manner referred to in clauses (ii) and (iii) of sub-rule (2), not exceeding rupees fifty thousand :|| Provided that the amount of the security shall not exceed rupees ten thousand in case the person provides any three of the following documents, namely:- (a) last paid electricity bill in his name or his parent's name or his spouse's name, (b)last paid telephone bill in his name or his parent's name or his spouse's name, (c) the Permanent Account Number (PAN) issued under the Incometax Act, 1961, (d) any document as proof of ownership of principal place of business in his name or his parent's name or his spouse's name, (e) any document as proof of ownership of residential property or any immovable property in his name or parent's name or his spouse's name, (f)notarized photocopy of the passport of proprietor or managing partner or managing director, (g) certificate obtained from a local authority in respect of shop and establishment, or; (h) registration certificate obtained from Custom and Central Excise Authority:|| Provided that the authority who receives such application of registration shall first verify the application in accordance with the provision of sub-section (1) of section 28 and pass such an order of demanding security as provided under this rule after giving the dealer a reasonable opportunity of being heard.

than the said sum, duly endorsed in favour of the Commissioner,
or

- (iii) furnish the guarantee of a Bank approved by the Commissioner in this behalf, agreeing to pay to the Commissioner on demand, such sum not exceeding the amount as may be specified in the order:

Provided that for the purpose of furnishing security other than the security under sub-section (4) of section 73, dealer may furnish security in any of the mode prescribed in clause (ii) or (iii):

- (3) Where, by reason of an order made under sub-section (6) of section 28, the security furnished by any dealer is rendered insufficient, he shall make up the deficiency by furnishing security or, as the case may be, additional security in the manner specified in sub-rule (2), within thirty days from the date of such order.
- (4) Where the bank guarantee furnished by the dealer is for a specified period, the dealer shall furnish a fresh bank guarantee or any other security specified in sub-rule (2) before the expiry of the said bank guarantee.
- ²¹[(5) The provisions contained in sub-rules (1) to (4) above shall not apply in case of Tatkaal Registration under rule 6A.]

13. Declaration under section 65.

- (1) A declaration in respect of name of the manager or managers of business under section 65 shall be made in Form 106 and shall be sent to the registering authority where such declaration is to be made for the first time, it shall be made alongwith an application for registration:
Provided that a dealer who is deemed to have been registered under section 23 shall not be required to furnish declaration under this rule if he has already furnished the declaration earlier.
- (2) Where any such declaration is to be revised on account of change of manager, it shall be made in Form 106 and to be sent to the registering authority within thirty days from the date of such change.

14. Declaration in respect of commodities and additional information of business under sections 66 and 66A.

- (1) In case of a dealer applying for registration,-
 - (a) declaration under section 66 shall be furnished in the manner specified in paragraph 09 of **Form 101**,
 - (b) information under section 66A shall be furnished in **Form 101C**,

- (c) additional information of business shall be furnished in **Form 101E**.
- (2) A dealer who is deemed to have been registered under section 23 shall also furnish the declaration and information referred to in clauses (a) and (b) of sub-rule (1) **within thirty days in Form 107 and Form 101C** respectively and the additional information referred to in clause (c) of sub-rule (1) **within three months in Form 101E** from the date of coming into force of these rules.
- (3) If any change occurs in the particulars of the declaration or information furnished earlier, a revised declaration or information shall be made in Form 107 or, as the case may be, in Form 101C and shall be sent to the registering authority within fifteen days from the date on which such changes are effected.
- (4) Information in respect of commodities dealt in or manufactured by a dealer shall be furnished in the following manner, namely:-
 - (a) as per item 07 of Form 101 by a person making an application for registration,
 - (b) a dealer who is deemed to have been registered under section 23 shall furnish the above information in writing within thirty days from the date of coming into force of these rules,
 - (c) if any change occurs with regards to the information furnished in clause (a) or (b), a revised information shall be furnished to the registering authority within thirty days from the date of such change.
- (5) The dealer shall furnish separate declaration and information under this rule in respect of each place of his business.

CHEPTER - IV
CALCULATION OF TAX AND TAX CREDIT

15. Calculation of tax credit under section 11.

- (1) A registered dealer shall maintain the registers of purchases of goods and mention therein the name and place of the selling dealer, his registration number, serial number and date of tax invoice, description of goods alongwith HSN, quantity of goods, value of goods and the tax charged.
 - (2) A registered dealer shall claim tax credit under section 11 in a tax period in which he records, in his books of accounts, the tax invoice in respect of his purchases of taxable goods.
 - (3) A registered dealer shall calculate **tax credit as per Form-201** and such calculation shall be made separately for each tax period.
 - (4) The amount involved in purchases specified in sub-section (5) of section 11 shall be excluded from the calculation of tax credit.
 - (5) The amount of tax paid under ²²[sub-section (1), (2), (5) or (6)] of section 9 of the Act and the amount of tax paid under the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001 shall be claimed in the tax period in which such amount has been paid.
²³[Explanation.- For the purpose of calculating the tax credit, *the* amount of tax under ²⁴[sub-section (1), (5) or (6)] of section 9 of the Act or the amount of tax under the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001 is shown payable by the dealer in his return for a tax period, then such amount of tax shall be considered to have been paid In such tax period.]
- ²⁵[(5A) A registered dealer entitled to claim tax credit under section 11 for the taxable goods held in stock on the date of registration shall furnish a statement in Form 111 of such goods which are purchased after 1st April, 2008 and during the period of one year ending on the date of registration along with the first return after registration:
Provided that the dealer claiming such tax credit shall have to prove to the satisfaction of the Commissioner that the application for registration was made within thirty days of the relevant date of effect applicable to him as per sub-section (3) of section 3.

22. In rule 15(5), for the words, brackets and figures "sub-section (1) or (2)", the words, brackets and figures "sub-section (1),(2),(5) or (6)" shall be substituted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008

23. In rule 15(5), the explanation shall be inserted by Notification No.GHN-18/VAR-2007(1)/TH Dt.22/5/2007 w.e.f.1/4/2006.

24. In rule 15(5), in explanation, for the words, brackets and figures "sub-section (1)",the words, brackets and figures "sub-section (1),(5) or (6)" shall be substituted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008.

25. After rule 15(5), sub-rule (5A) and (5B) shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH DT.1/4/2008.

(5B) A registered dealer entitled to claim tax credit under section 11 and whose permission to pay lump sum tax under section 14 is no longer valid because of turnover exceeding rupees fifty lakhs or is cancelled on his request, shall furnish a statement of such taxable goods in Form 112, which are held in stock on the date of liability to pay tax under section 7 and which are purchased after 1st April, 2008 and during the period of one year ending on the date of liability to pay tax under section 7. The statement shall be furnished along with the next return from the date of liability to pay tax under section 7.]

(6) Where the tax credit (other than tax credit on capital goods) admissible in the year remains unadjusted against the output tax as per section 11, such amount shall be refunded not later than expiry of two years from the end of the year in which such tax credit had become admissible:

Provided that the dealer claiming such refund shall have to prove to the satisfaction of the assessing authority that the purchases of the goods on which such tax credit had been calculated have been disposed off in the manner referred to in sub-section (3) of section 11 within the period by which refund under this sub-rule becomes admissible.

²⁶**Provided further that** the refund may be granted for the amount of tax credit for the purchase of capital goods made during the period from 1st April, 2006 to 31st March, 2008 which remains unadjusted in case of the unit carrying on its business in the processing area or in the demarcated area of Special Economic Zone and approved as such by the Approval Committee as defined in the Gujarat Special Economic Zone Act, 2004 (Guj. 11 of 2004).]

(7) In case of sales made in the course of export outside the territory of India and the amount of carried forward tax credit admissible under items (iv) and (v) of clause (a) of sub-section (3) of section 11 remains unadjusted, such amount of tax credit shall be refunded within the period of three months next following the end of the month in which such purchases were made.

²⁷[(7A) In the case of dealer who is a trader or a manufacturer and sells taxable goods in the State or who sells taxable goods in the course of inter-state trade or commerce or who dispatches taxable goods to his branch or to his consigning agent outside the State and where the amount of the tax credit allowed under section 11 remains unadjusted

26. In rule 15(6), the proviso shall be inserted by Notification No.GHN-2/VaR-2010(25) Dt.11/2/2010.

27. After rule 15(7), sub-rule (7A) shall be inserted by Notification No.GHN-5/VAR-2007(9) Dt.15/2/2007

in the returns continuously in each month of the quarter, such unadjusted amount of tax credit may be refunded to such dealer before the period specified in sub-rule (6) or, as the case may be, sub-rule (7) :

Provided that the dealer claiming such refund shall have to prove to the satisfaction of the assessing authority that the purchases of the taxable goods on which such tax credit had calculated, those goods have been disposed off for the purposes referred to in sub-section (3) of section 11 within the period by which refund under this sub-rule becomes admissible.]

- (8) The refund under this rule ²⁸[or the refund under section 37 or 40] shall not be admissible unless the dealer furnishes the copies of tax invoices of the purchases for which tax credit and refund thereof is claimed:

Provided that the assessing authority granting the refund is satisfied that the selling dealer has shown such transactions in his return and accounted for in his books of accounts as taxable sales for which tax credit and refund under this rule is claimed.

- (9) A registered dealer may claim such net tax credit in the returns to be furnished under sub-rule (1) of rule 19.

16. Tax credit under section 12.

- (1) The statement referred to in sub-section (1) of section 12 shall be furnished in **Form 108**. The calculation of tax credit under section 12 shall be made in the manner provided in Form 108.
- (2) The statement under sub-rule (1) shall be furnished by the dealer **on or before the** ²⁹**[31st May, 2006]** to the Commercial Tax Officer under whose jurisdiction registered dealer is required to furnish return under rule 19.

³⁰**Provided that** where the dealer has filed an application for permission to pay *lump-sum* tax under section 14 within the prescribed period and his application has been rejected because of undertaking any of the activities mentioned in clauses. (i) or (ii) of the proviso to clause (a) of sub-section (1) of section 14 and he has not furnished the statement in Form 108 within the prescribed period, such dealer shall furnish the statement under sub-rule (1) on or before 30th June, 2007.]

28. In rule 15(8), after the words "The refund under this rule", the words and figures "or the refund under section 37 or 40", shall be inserted by Notification No.GHN-5/VAR-2007(9)/TH Dt.15/2/2007

29. In rule 16(2), for the words and figures "30th April 2006", the words and figures "31st May 2006" shall be substituted by Notification No.GHN-70/VAR-2006(6)/TH Dt.26/5/2006.

30. In rule 16(2), the proviso shall be inserted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

- (3) The tax credit to be claimed under section 12 shall be subject to the fulfillment of the following conditions, namely:-
- (a) tax credit may be claimed in respect of the taxable goods, which were purchased from a dealer registered under the earlier law,
 - (b) dealer shall have in his possession bills or invoices issued by the selling dealer indicating inter-alia, the registration number of the selling dealer, the price of goods and the amount of tax, if charged separately,
 - (c) particulars of goods for which tax credit is claimed have been entered in the books of accounts of the dealer,
 - (d) dealer has furnished the returns for the period up to the 31st March 2006 in accordance with the provisions of the earlier law,
 - (e) provisions of sections 11 and 12 are complied with:
Provided that where the tax credit claimed under this rule has been determined after verification is less than the amount claimed by the dealer, such dealer shall be informed accordingly within ten days of the verification under this sub-rule.
- (4) Where the amount of tax on the goods purchased is not indicated separately in the bills or invoices issued by the selling registered dealer, the tax credit referred to in sub-section (5) of section 12 shall be calculated in the following manner, namely:-

Formula:

$$9 P/10 \text{ multiplied by } R / 100+R$$

(where 'P' means the purchase price of the goods and 'R' means the rate of sales tax or of general sales tax (whichever has not been recovered separately), applicable to the respective taxable goods under the earlier law at the relevant time of purchases thereof).

- (5) A registered dealer may claim tax credit in respect of the amount of purchase tax paid by him under section 15A of the Gujarat Sales Tax Act, 1969 subject to the fulfillment of the following conditions, namely:-
- (a) registered dealer was holding recognition granted to him under section 32 of the Gujarat Sales Tax Act, 1969 at the time purchases were effected and on which purchase tax was paid,
 - (b) registered dealer has in his possession the proof for payment of purchase tax so paid,
 - (c) registered dealer has maintained the counter foils of Form 18C or Form 19 issued by him in the manner prescribed under the earlier rule.

³¹[(6) Subject to the provisions of sections 11 and 12 and these rules, the tax credit admissible under section 12 shall be claimed by the registered dealer in his returns as provided hereunder: -

- (a) Every registered dealer who is required to furnish quarterly returns under sub-rule (3A) of rule 19 may claim tax credit in his quarterly return ending on 30th June 2006, to the extent of rupees thirty thousand and for the remaining amount of tax credit, in the quarterly return ending on the 30th September 2006.
- (b) Every registered dealer who is required to furnish monthly return under sub-rule (2) of rule 19 may claim tax credit in his monthly return starting from tax period of April, 2006 to September, 2006, in six equal instalments:

Provided that the Commissioner may, for the reasons to be recorded in writing, allow with such conditions he thinks fit, any dealer or certain class of dealers to claim tax credit under section 12 before the period specified above.]

17. Tax credit in respect of transactions between commission agent and principal and in case of transfer of business.

- (1) When a commission agent receives taxable goods from his principal for the sale on behalf of such principal, the principal shall issue tax invoice equivalent to the purchase price of the goods so transferred.
- (2) The principal shall indicate the amount of tax separately in the tax invoice referred to in sub-rule (1).
- (3) The tax to be indicated separately under sub-rule (2) shall be the amount which the selling dealer had charged on the goods purchased by the principal which is transferred to the commission agent.
- (4) The liability of the principal to pay tax on such transfer of goods to the agent shall be as if it is a sale, and provisions of section 11 and the rules made thereunder shall apply, mutatis mutandis.
- (5) The commission agent when selling the goods transferred to him by the principal, he shall be liable to pay tax under the Act on the sale price of such goods.
- (6) The commission agent shall be entitled to claim tax credit under section 11 and the rules made thereunder to the extent the amount of tax charged separately in the tax invoice referred to in sub-rule (2).

31. In rule 16, for sub-rule (6) shall be substitute by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.w.e.f.1/4/2006
Earlier sub-rule (6) : Subject to the provisions of sections 11 and 12 and these rules, the tax credit admissible under section 12 shall be claimed by the registered dealer in his monthly return starting from tax period of July, 2006 to December,2006 in six equal installments: || Provided that the commissioner may for the reasons to be recorded in writing, allow with conditions he thinks fit, any dealer or certain class of dealers to claim tax credit under section 12 before July, 2006.

- (7) When the commission agent has sold the goods on behalf of the principal, the commission agent shall send to his principal a monthly statement showing the following particulars:-
- (i) value (showing separately the amount of tax charged) of goods transferred by the principal,
 - (ii) sale price with amount of tax charged separately on the goods sold by the commission agent,
 - (iii) amount of the commission charged by the commission agent in respect of such goods sold by him on behalf of his principal.
- (8) On receipt of statement referred to in sub-rule (7), the principal may include in his total turnover of sale, the difference of the amount referred to in clauses (ii) and (i) of sub-rule (7) and may deduct the similar amount from his turnover liable to tax under section 7 of the Act.
- (9) When a commission agent purchases taxable goods on behalf of his principal, he shall issue to his principal a tax invoice indicating the value of the goods purchased and indicating separately the amount of tax charged in the original tax invoice of the goods so purchased and shall be liable to pay the tax under section 7 accordingly:
- Provided that*** the commission agent may claim tax credit of the amount of tax charged separately on such purchase by the selling dealer in his tax period in which a tax invoice under this subrule is issued by him to his principal.
- (10) The principal on receipt of the tax invoice referred to in sub-rule (9) shall show such purchases in his total turnover of purchases and section 11 of the Act and the rules made thereunder shall apply mutatis mutandis in respect of such purchases made by the commission agent.
- (11) Where a dealer liable to pay tax under the Act transfers his business in whole or part as provided in section 51, the transferee of the business may claim the tax credit in the manner as under:-
- (i) in case where business has been transferred in whole, then the amount of balance of tax credit on the day of such transfer shall be deemed to be transferred to the transferee subject to the provisions of section 11 and the rules made there under,
 - (ii) in case where business has been transferred in part, then the balance of the tax credit as admissible under the rules on the day of transfer shall be deemed to be transferred to the transferee subject to the provisions of section 11 and the rules made there under:

Provided that the transferor shall reduce such amount of tax credit transferred to the transferee under this clause in the tax period in which such transfer has taken place.

18. Calculation of tax.

- (1) The net amount of tax payable under section 13 by a registered dealer, other than the dealer who has been granted permission to pay lump sum tax under ³²[section 14, 14A read with clause (bb) of sub-rule (8) of rule 28, 14B, 14C or 14D] shall be determined in **Form 201**.
- (2) If the amount calculated as per sub-rule (1) has a negative value-
 - (a) the same shall be adjusted against tax liability, if any, under the Central Sales Tax Act, 1956 (hereinafter called ‘central sales tax liability’) for the said tax period and the remaining amount of central sales tax shall be payable; or
 - (b) if there is no central sales tax liability or if the central sales tax liability for the said tax period is less than the said negative amount, then no tax under the Act as well as under the Central Act will be payable and the net amount, after adjusting the central sales tax liability, shall be carried forward to the next tax period of the same year or, as the case may be, the subsequent year.
- (3) Net tax payable by a dealer liable to pay tax but not registered under the Act for a tax period shall be equal to tax payable for the said tax period and leviable under sections 7 and 9.

33[18AA. Deduction of charges towards labour, service, etc.

- (1) The value of the goods at the time of the transfer of property in the goods (whether as goods or in some other form) involved in the execution of a works contract shall be determined by deducting the amounts paid by way of price for sub-contract made with a registered dealer, if any, pertaining to the said works contract.
- (2) A registered dealer who claims any deduction referred to in sub-clause (c) of clause (30) of section 2, shall -
 - (a) maintain true and correct records for such deductions;
 - (b) prove to the satisfaction of the Commissioner that he has actually paid the amount in the year in which he claims such deduction; and
 - (c) furnish true and correct evidences for claiming such deductions at the time of assessment or when asked to furnish in any proceedings:

32. In rule 18(1), for the words "section 14", the words, brackets and figures "section 14, 14A read with clause (bb) of sub-rule (8) of rule 28, 14B, 14C or 14D" shall be substituted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006

33. After rule 18, rule 18AA shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006

Provided that where the amount of charges towards labour, service and other like charges are not ascertainable or the accounts maintained by the contractor are not sufficiently clear or intelligible, a *lump sum* deduction shall be admissible in accordance with the percentage mentioned in the Table below, and the sale price of the goods at the time of the transfer of property shall be determined accordingly.

TABLE

Sr. No.	Description of Works Contract	Percentage of deduction
1.	Construction, improvement or repair of any building, road, bridge, dam, canal or other immovable property.	Thirty per cent.
2.	Installation, fabrication, assembling, commissioning or repair of any plant or machinery, whether or not affixed to any building, land or other immovable property.	Fifteen per cent.
3.	Installation, fabrication, assembling, commissioning of any Air conditioner plant, Air conditioner, Air cooler, whether or not affixed to any building or other immovable property.	Ten per cent.
4.	Assembling, fitting out, re-assembling, improving, producing, repairing or otherwise treating of furniture, fixtures, partitions including contracts of interior decoration.	Twenty per cent.
5.	Installation, fabrication, assembling, commissioning or repairs of lifts or elevators or escalators.	Fifteen per cent.
6.	Construction, fabrication, assembling, commissioning or repairs of bodies on chassis of motor vehicles including three wheelers and fire fighters or of vessels of every description meant for plying on water.	Twenty per cent
7.	Overhauling or repairing or dismantling of any motor vehicle, vessels of every description meant for plying on water or any other vessel propelled by mechanical means, any air craft or any equipment or part of any of the aforesaid items.	Twenty per cent.

8.	Fitting out, assembling, altering, ornamenting, re-assembling, blending, finishing, furnishing, improving, processing or otherwise treating, adapting or fabricating of any goods.	Fifteen per cent.
9	Erection, installation and commissioning of Wind Turbine Generator including power evacuation system.	Thirty per cent.
10.	Fixing of marbles, slabs, polished granite stones and tiles (other than mosaic tiles).	Twenty per cent.
11.	Fixing of sanitary fittings and plumbing.	Fifteen per cent.
12.	Painting and polishing.	Twenty per cent.
13.	Laying of pipes excluding plumbing.	Twenty per cent.
14.	Tyre re-treading.	Thirty per cent.
15.	Supply of goods in providing know-how, designs, labour, supervision, inspection, training or other services in connection with any of the operation specified in Serial Nos. 1 to 14 above.	Twenty per cent.
16.	Dyeing and printing of textile.	Thirty per cent.
17.	Printing contracts.	Thirty per cent.
18.	Any other works contract.	Twenty per cent.

- (3) The percentage shown in the Table shall be applied after first deducting from the total contract price, the amount paid by way of price for the entire sub-contract made with sub-contractor, if any.
- (4) The value of goods so arrived at under this rule shall, for the purposes of levy of tax, be the taxable turnover relating to the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract.”.]

CHAPTER -IVA

CONTINUATION OF TAX EXEMPTION TO INDUSTRIAL UNITS

³⁴[18A. Continuation of tax exemption.

- (1) The tax exemption and deferment granted to the industrial units by the State Government under the earlier law and continued as such under the Government Notification, Finance Department No (GHN-43) VAT-2006/ S.5(2)(2)-TH, dated the 1st April, 2006 shall be subject to the provisions of this Chapter.
- (2) Such industrial units shall be entitled to tax incentives only for the balance amount and for the balance period of tax incentive as on the appointed day on the basis of the Certificate for Entitlement issued under this Chapter.
- (3)
 - (a) The industrial unit eligible for tax incentives under the earlier law who desires to avail of tax incentives shall apply in **Form 109** to the Commissioner within thirty days from the date of coming in to force of these rules.
 - (b) The industrial unit who has obtained the Eligibility Certificate from the Industries and Mines Department, Government of Gujarat after coming into force of these rules shall apply in Form-109 to the Commissioner within thirty days from the date of such Certificate.
 - (c) The eligible units availing composite benefit under the earlier law shall have to give option either for tax remission or for tax deferment in Form-109. The option once exercised by the eligible unit shall be final and irrevocable. If the eligible unit fails to furnish the option within the time prescribed, such unit shall be entitled to the benefit of tax deferment only :
Provided that the Commissioner may, if it thinks fit, for the reasons to be recorded in writing, condone the delay in filing an application.
- (4) On receipt of application made under sub-rule (3), the Commissioner may issue to the eligible unit a Certificate of Entitlement in Form-110 effective from the appointed day subject to the provisions of this Chapter and the terms and conditions of the respective Government Resolutions or notifications, on the basis of which the eligible unit was granted the Eligibility Certificate.
Provided that where the Commissioner has not condoned the delay in filing the application, the Certificate of Entitlement shall be effective from the date of application.

- (5) The eligible unit shall be entitled to the benefit either of remission of tax or deferment of tax, as the case may be, as provided under this Chapter.

Explanation - For the purpose of this Chapter, the expression “**eligible unit**” shall mean,-

- (i) an industrial unit eligible for tax incentives under the earlier law and which has obtained Eligibility Certificate from the Industries and Mines Department and the Exemption Certificate from the Commissioner under the earlier law and a Certificate of Entitlement under this Chapter, and
- (ii) an industrial unit to whom a Certificate of Entitlement that may be granted.

18B. Remission of tax.

- (1) (a) Subject to the provisions of section 11, the eligible units to whom a Certificate of Entitlement has been issued under sub-rule (4) of rule 18A shall be granted refund of the tax ³⁵[(excluding additional tax)] paid on purchase of taxable goods.

³⁶[**Provided** that where an eligible unit as defined in the entry 69 or 103 of the notification issued under sub-section (2) of section 49 of the Gujarat Sales Tax Act, 1969 is the textile unit and engaged in the manufacture of goods specified in Schedule I or the goods exempted from the whole of the tax by a notification issued under sub-section (2) of section 5, such eligible unit shall be granted refund of the tax paid to the registered dealer on purchases of taxable goods including the tax paid on the packing material used in the packing of the goods so manufactured.]

- ³⁷[(b) Subject to the provisions of section 11, the eligible unit shall-
- (i) not claim tax credit of the amount equivalent to the amount of refund granted under clause (a) of this sub-rule;
- (ii) claim tax credit of additional tax paid on purchase of taxable goods.
- (c) The eligible unit shall make an application for refund along with its return to the concerned Commercial Tax officer and such Officer shall, as far as possible, grant refund subject to

35. In rule 18B(1)(a), after the words “refund of tax”, the words and brackets “excluding additional tax”, shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008.

36. In rule 18B(1), the proviso shall be inserted by GHN-23/VAR-2007(11)?TH Dt.4/6/2007 w.e.f.1/4/2006

37. In rule 18B, clause (b) shall be substituted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008.

Earlier clause (b):Since the eligible unit is entitled to refund of the tax paid on purchases, it shall not adjust such tax credit against output tax liability.

provisions of section 40, within one month after the receipt of the application for refund.

- (d) The refund under this rule shall not be admissible unless the eligible unit furnishes the copies of tax invoices of the purchases for which refund thereof is claimed.
- (2) The eligible unit availing benefit of tax remission shall not be entitled to tax credit under section 12.
- (3) The eligible unit availing tax remission shall collect the tax on sales effected by him and shall ³⁸[not pay tax payable under sub-section (1) of section 7 but pay additional tax payable under sub-section (1A) of section 7] in to Government Treasury. The concerned Commercial Tax Officer shall pass order for remission of such tax separately for each tax period.
- (4) The eligible unit shall be entitled to remission of the central sales tax payable under the provisions of the Central Sales Tax Act, 1956 on the sales effected by him in the course of inter-State trade and commerce.

18C. Deferment of tax.

- (1) The eligible unit availing tax deferment under earlier law may continue to avail benefit of deferment under the Act in accordance with the respective Government resolution under which an Eligibility Certificate was granted to the eligible unit.
- (2) The eligible unit availing sales tax deferment shall be entitled to tax credit subject to provisions of sections 11 and 12.
- ³⁹[(2A) The eligible unit shall pay the net additional tax payable by it under section 13.];
Explanation.- The net additional tax payable means additional tax payable on turnover of sales after deducting tax credit of additional tax paid on turnover of purchases subject to the other provisions of the Act.]
- (3) The eligible unit shall defer-
 - (a) the net tax ⁴⁰[(excluding additional tax)] payable by it under section 13, and
 - (b) the tax payable under the Central Sales Tax Act, 1956.

38. In rule 18B(3), for the words “not pay such tax”, the words, brackets and figures “not pay tax payable under sub-section (1) of section 7 but pay additional tax payable under sub-section (1A) of section 7” shall be substituted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008

39. In rule 18C, after sub-rule (2), sub-rule (2A) shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008.

40. In rule 18C, in sub-rule (3)(a), after the word “tax”, the words and brackets “(excluding additional tax)” shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008.

18D. General conditions.

- (1) The eligible unit availing benefit of remission of tax or deferment of tax shall not suspend the availing such incentives during the period of operation of incentives till the monetary limit is fully exhausted. In case of contravention of this sub-rule, the monetary limit of the eligible unit shall be deemed to have been exhausted.
- (2) For the purpose of arriving at the limit of incentives of the eligible unit availing tax exemption, the aggregate of following shall be considered, namely:-
 - (i) The aggregate amount of refund of the tax paid to the eligible unit under sub-rule (1) of rule 18B.
 - (ii) The aggregate amount of remission of tax collected by the eligible unit under sub-rule (3) of rule 18B.
 - (iii) The aggregate amount of remission of tax payable on inter-State sales under the provisions of the Central Sales Tax Act, 1956, referred to in sub-rule (4) of rule 18B .
- (3) For the purpose of arriving at the limit of incentives of the unit availing tax deferment, the aggregate of following shall be considered, namely :-
 - (i) The aggregate amount of deferment of tax payable on sales by the eligible unit under clause (a) of sub-rule (3) of rule 18C.
 - (ii) The aggregate amount of deferment of tax payable on inter-State sales under the provisions of the Central Sales Tax Act, 1956, referred to in clause (b) of sub-rule (3) of rule 18C.
- (4) The eligible unit shall start making payment of tax as soon as the aggregate amount of tax on sales or purchases effected by it equals the amount specified in the Certificate of Entitlement or on the expiry of the limit mentioned in the Certificate of Entitlement, whichever is earlier and thereafter, it shall be liable to pay tax in accordance with the provisions of the Act.
- (5) The eligible unit shall make payment of the tax deferred in accordance with the provisions of the respective Government Resolutions under which an Eligibility Certificate was granted to such unit by the Industries and Mines Department.
- (6) If the eligible unit contravenes any of the provisions of the Act or rules or the conditions of the respective Government Resolutions or notifications, the incentives granted under this Chapter shall cease to operate. Accordingly, in the event of breach the entire amount remitted under rule 18B shall be paid by eligible unit in to the Government Treasury from the date of contravention and on failure to do so, the said amount shall be recovered from eligible unit as if tax due from the eligible unit and shall be recovered as an arrears of land revenue.

⁴¹**[18E.** Notwithstanding anything contained in rule 18A, any sick industrial unit registered as such by the Board for Industrial and Financial Reconstruction under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 and where the Board for industrial and Financial Reconstruction has Issued directions to extend the benefit of G.R. of the Industries and Mines Department No, MIS-102012-593970-I dated the 8th July, 2013 to such sick industrial unit and where such unit has made an application within ninety days as provided in the said G.R and which has been issued an eligibility certificate by the Industries Commissioner specifying the extension of time equal to the time of closure of such industrial units as also the option with regard to the deferment or the remission of the tax, as the case may be, shall be entitled to the benefits available under the relevant scheme as provided in such eligibility certificate and the provisions of aforesaid G.R. shall mutatis mutandis apply in respect of such industrial unit.]

CHAPTER -V

RETURNS AND PAYMENTS OF TAX

19. Submission of monthly and quarterly returns.

(1) Every registered dealer shall furnish returns duly signed by him or by a person authorized by him, to the Commercial Tax Officer within whose jurisdiction his chief place of business as mentioned in certificate of registration is situated.

⁴²[(2) (i) Every registered dealer ⁴³[xxx] shall furnish monthly return in Form 201 within thirty days from the end of the month to which return relates, alongwith the information in respect of tax invoices. of sales in Form 201A, tax invoices of purchases in Form 201B and inventories in Form 201C appended to Form 201.

⁴⁴[(ii) [xxx]

(iii) [xxx]

(iv) [xxx]

42. In rule 19, for sub-rule (2) shall be substituted by Notification No.GHN-19/VAR-2014(35)/TH Dt.15/10/2014.

Earlier sub-rule (2): (a) Every registered dealer, other than the dealer to whom sub-rule (3), (3A), 3(B) or 3(C) applies, shall furnish monthly return in Form 201 within thirty days from the end of the month to which return relates. (b) Every registered dealer referred to in clause (a) shall also furnish information in respect of tax invoices of sales in Form 201A; tax invoices of purchases in Form 201B; and inventories in Form 201C appended to Form 201 as under:- (i) a registered dealer whose taxable turnover in the previous year or during the year does not exceed rupees fifty lacs shall furnish such information in Form 201A and Form 201B along with Form 201 and may also submit by way of uploading on the web site of the department duly authenticated by the dealer himself or by a person referred to in section 65,|| "Provided that the registered dealer who has submitted the return in Form 201 alongwith the information in Form 201A and Form 201B by way of uploading on the web site of the department, shall not be required to furnish the hard copy of such return and the information:|| Provided further that the registered dealer who submits the return in Form 201 alongwith the information in Form 201A and Form 201 B by way of uploading on the web site of the department, shall furnish an undertaking in such form as may be specified by the Commissioner."|| (ii) a registered dealer,- (a) whose taxable turnover in the previous year or during the year has exceeded rupees fifty lacs, (b) who makes zero rated sale under section 5A, (c) who imports the goods into or exports the goods out of the territory of India, (d) who being an eligible unit has obtained a Certificate of Entitlement under rule 18A, (e) who is a Developer or a Co-developer of Special Economic Zone,[xxx] (f) who is a unit carrying on its business in the processing area or in the demarcated area of Special Economic Zone (g) who is registered under the provisions of the Central Sales Tax Act, 1956, and (h) who deals in the commodities mentioned as under: 1.Timber, 2.Ceramic tiles, 3 Scrap of iron and steel, 4.Tobacco and tobacco products (excluding unmanufactured tobacco), 5.Major Minerals as may be specified by the Commissioner.// shall furnish return in Form 201 along with the information referred to in sub-clause (i) above [xxx] by way of uploading on the web site of the department duly authenticated by the dealer himself or by a person referred to in section 65, (iii) a registered dealer referred to in clause (a) shall furnish information quarterly in Form 201C for the period ending on 30th June, 30th September, 31st December and 31st March along with his return in respect of top ten commodities as per their value and the consolidated details of remaining commodities dealt with during that period. ||Provided that the dealer shall file return from the succeeding tax period as and when the turnover specified in this rule exceeds in a tax period as provided under clause (ii).Provided further that a registered dealer, who is required to furnish return under clause (ii), shall be required to furnish in Form 201 and also submitting by way of uploading on the website of the department before the stipulated time as mentioned in this rule.

43. In rule 19(2), in clause (i), the words, brackets and figures "other than the dealer to whom sub-rule (3), (3A), (3B) or (3C) applies" shall be deleted by Notification No.GHN-99/VAR-2021(49)/th Dt.27/12/2021.

44. In rule 19(2), clause (ii), clause (iii) and clause (iv) shall be deletedby Notification No.GHN-99/VAR-2021(49)/th Dt.27/12/2021.

Earlier clause (ii),(iii) and (iv) : (ii) Every registered dealer who has obtained a certificate of registration in accordance with the provisions of rule 5 shall furnish monthly return, for first twelve months and the provisions of clause (i) above shall apply mutatis mutandis to such dealer. Thereafter, he shall furnish return in accordance with the provisions of this rule."

(iii) A registered dealer referred to in clauses (i) and (ii) above shall furnish information **monthly in Form 201C** alongwith his return in respect of top ten commodities as per their value and the consolidated details of remaining commodities dealt with during that period. || these sub-rule substituted by Notification No.GHN-105/var-2006(8)TH Dt.11/10/2006. a registered dealer referred to in clause (a) shall furnish information quarterly in Form 201 C for the period ending on 30th June, 30th September, 31st December and 31st March along with his return in respect of top ten commodities as per their value and the consolidated details of remaining commodities dealt with during that period. (iv) Notwithstanding anything contained in this rule, the non-localized dealer shall furnish monthly return and the provisions of clause (i) shall apply mutatis mutandis to such dealer.

- ⁴⁵[(3) [xxx],
 (3A) [xxx],
 (3B) [xxx]
 (3C) [xxx]
 (4) [xxx]
 (4A) [xxx]
 (4AA) [xxx]

- (5) Every registered dealer dealing in the commodities ⁴⁶[other than petroleum crude, natural gas and alcoholic liquor for human consumption] mentioned in the Schedule III to the Act, shall also furnish monthly returns in Form 212 along with Form 213 within ⁴⁷[thirty days] from the end of the month to which the return relates.
- (6) Where any dealer who has no fixed or regular place of business in the State, but has been registered by the Commercial Tax Officer, Ahmedabad, and such dealer shall furnish such return to the Commercial Tax Officer, Ahmedabad:

⁴⁸[xxx]

45. In rule 19, for sub-rules (3),(3A), (3B), (3C), sub-rule (4), (4A) and (4AA) shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.

Earlier sub-rules(3), (3A), (3B), (3C) ,(4),(4A) and (4AA) : (3) (i) Every registered dealer to whom permission to pay *lump sum* tax has been granted under section 14, 14A read with clause (bb) of sub—rule (8) of rule 28, 14B, 14C or 14D shall furnish quarterly return in Form 202 with the list of purchases in Form 202A appended to it, within thirty days from the end of the quarter to which the return relates:| **Provided that** the dealer to whom permission to pay lump sum tax has been granted under section 14B shall furnish, instead of Form 202A, the list of retail invoices for sales in Form 202B and the details of purchases in Form 202C along with Form 202 : **{ In rule 19(3)the proviso shall be substituted by Notification No.GHN-47/ VAR-2010(30)/ TH Dt. 29/12/2010. Earlier Proviso :Provided that the dealer to whom permission to pay lump sum tax has been granted under section 14B shall furnish, instead of Form 202A, the list of retail invoices for sales in Form 202B and the details of purchases in Form 202C along with Form 202 and where the taxable turnover of such dealer in the previous year or during the year does not exceed rupees one Crore, he may and where taxable turnover exceeds rupees one Crore, he shall also submit information in Form 202B and Form 202C along with Form 202 by way of uploading on the web site of the department duly authenticated by the dealer himself or by a person referred to in section 65.}**In rule 19(3) the second proviso shall be deleted by No. GHN-19/VAR-2014(35)/TH dated 15-10-2014. **[XXX]** (Earlier second proviso : Provided further that a registered dealer :- (a) whose taxable turnover in the previous year or during the year has exceeded rupees fifty lacs, (b) who is registered under the provisions of the Central Sales Tax Act, 1956, or (c) who deals in the commodities mentioned as under :- (i) Timber, (ii) Ceramic tiles, (iii) Scrap of iron and steel, (iv) Tobacco and tobacco products (excluding Unmanufactured tobacco) (v) Major Minerals as may be specified by the Commissioner. shall furnish return in Form 202 along with the information in Form 202A, or as the case may be, in Form 202B and Form 202C by way of uploading on the web site of the department duly authenticated by the dealer himself or by in person referred to in section 65 and such dealer shall not require to furnish the hard copy of such return and the information.(ii) Where the permission to pay *lump sum* tax granted to the dealer under the Act ceases to be valid on any day, such dealer shall furnish return from that day in accordance with the provisions of sub-rule (2), (3A) or, as the case may be, (3B) for the remaining part of the tax period and he shall continue to file monthly or, as the case may be, quarterly return for all subsequent months or periods. **(3A)** Every registered dealer, other than referred to in sub-rule (3), who- (a) is not a manufacturer, (b) does not purchase the goods in the course of inter-state trade or commerce or import goods from a place out of the territory of India, (c) does not sell the goods in the course of inter-state trade or commerce or export the goods out of the territory of India, or (d) does not dispatch the goods to his branch or his consigning agent outside the State or receive the goods from his branch situated outside the State or from his consigning agent outside the State, shall furnish- (i) quarterly return in Form 201 along with information in respect of tax invoices of sales in Form 201A and the information in respect of tax invoices of purchases in Form 201B, within thirty days from the end of the quarter to which such return relates; **[XXX]** and (ii) the information **quarterly in respect of inventories in Form 201C** along with his return in respect of top ten commodities as per their value and the consolidated details of remaining commodities dealt with during that period:| **Provided that** where such dealer undertakes any of the activity referred to in (a) to (d) above, he shall furnish return in accordance with the provisions of sub-rules (2) or, as the case may be, (3B) for the remaining tax periods immediately succeeding the quarter during which he undertakes any of the aforesaid activities.{In rule 19(3A), in clause (ii), for the words and figures “half yearly in respect of inventories in Form 201C for the period ending on the 30th September and 31st March” the words and figures “**quarterly in respect of inventories in Form 201C**” shall be substituted by Notification No.GHN-15/ VAR-2017(44)/TH Dt.12/5/2017. **(3B)** Every registered dealer, other than referred to in sub-rule (3) or (3A), whose total amount of tax payable for all places of business has not exceeded rupees sixty thousand in the

- previous year or in the current year, shall furnish quarterly return in Form 201 along with the information in Forms 201A and 201B, within thirty days from the end of the quarter to which return relates; and the provisions [\[XXX\]](#) {In rule 19(3B), the words, brackets and figures “sub-clauses (i) and (ii) of clause (b) of sub-rule(2) and” shall be deleted by Notification No. (GHN-19) VAR-2014(35) - TH dated 15-10-2014. [Earlier Prior to deletion these brackets, figures and words were inserted by rule 3 of the Gujarat Value Added Tax (Fifth Amendment) Rules, 2010, Noti. No. (GHN-47) VAR-2010(30) - TH dated 29-12-2010.] of clause (ii) of sub-rule (3A) shall apply *mutatis mutandis* to such dealer:| Provided that where the amount of tax payable by such dealer exceeds rupees sixty thousand during the year, he shall furnish monthly return in accordance with the provisions of sub-rule (2) for the remaining the tax periods immediately succeeding the quarter during which the amount of tax payable exceeds rupees sixty thousand. [\(3BB\)](#) Every registered dealer claiming the credit for the amount deducted as tax in accordance with the provisions of section 59B shall also file a statement in Form-216A alongwith the return within thirty days from the end of the tax period to which such return relates. [In rule 19, sub-rule (3BB) shall be inserted by Notification No.GHN-36/VAR-2009(24)/TH dt.24/12/09, w.e.f. 24/12/09].[\(3C\)](#) A registered dealer who is a co-operative society engaged in the manufacture of sugar or *khandsari* shall furnish half yearly return in Form 201 for the tax period referred to in sub-clause (iii) of clause (g) of rule 2 on or before 30th November immediately succeeding the tax period to which the return relates [alongwith the information in respect of tax invoices of sales in Form 201A and tax invoices of purchases in Form 201B appended to Form 201.](#); [In rule 19(3C), after the words “return relates” the words and figures “alongwith the information in respect of tax invoices of sales in Form 201A and tax invoices of purchases in Form 201B appended to Form 201”, shall be inserted by Notification No.GHN-19/VAR-2014(35)/TH Dt.15/10/2014. (4) [Notwithstanding anything contained in this rule, every registered dealer](#) who holds a certificate of exemption or certificate of deferment of tax under any of the incentive schemes, so long as he avails of the benefit of exemption or deferment of tax shall furnish,- (a) a monthly return under sub-rule (2), and (b) a monthly return of incentives of sales tax exemption availed in Form 203 and, of sales tax deferment availed in Form 204, in the manner provided in sub-rule (1). The monthly return shall be filed within [thirty days](#) from the end of the month to which the monthly return relates, (c) such a dealer shall be required to furnish return as per the provisions of sub-rule (2), on completion of the availment of exemption or deferment referred above.[In rule 19(4), for the words “Every registered dealer” the words “Notwithstanding anything contained in this rule, every registered dealer” shall be substituted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.] In rule 19(4), for the words “twenty-two-days”, wherever they occur, the words “thirty days”, shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH DT.3/5/2006 w.e.f. 1/4/2006. [\(4A\) Notwithstanding anything contained in this rule, every registered dealer who](#) – (a) imports the goods into or exports the goods out of the territory of India, (b) has established an industry in the Special Economic Zone or who is the developer of the Special Economic Zone, (c) is entitled to the benefit of refund under section 40, or (d) is entitled to the benefit of remission under sub-section (1) of section 41|| shall furnish monthly return and the provisions of sub-rule (2) shall apply *mutatis mutandis* to such dealer.[After rule 19(4), sub-rule (4A) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006 [“\(4AA\)](#) (a) Every registered dealer who holds a certificate of entitlement under any incentive scheme, so long as he avails of the benefit of tax incentives shall also furnish a monthly return of tax incentives availed in Form 203A in the manner provided in sub-rule (1) where the dealer shall furnish description of the goods sold against tax invoice and goods purchased against tax invoice and such return shall be filed within thirty days from the end of the month to which such return relates. (b) Such a dealer shall be required to furnish return as per the provisions of sub-rule (2), on completion of the availment of tax incentives referred to above. (c)The Commissioner may by way of public circular, specify the statements to be submitted by the dealer for the purpose of tax incentives availed by the dealer under any incentive scheme.”.[After rule 19(4A), sub-rule (4AA) shall be inserted by Notification No.GHN-5/VAR-2016(27)/Th Dt.08/01/2016.]] Prior to earlier rule 19, for sub-rules (3),(3A), (3B), (3C) and (3D) shall be substituted by Notification No.GHN-106/VAR-2006(8)/TH Dt.11/10/2006.-Earlier sub-rules(3), (3A), (3B), (3C) and (3D) : (3) Every registered dealer to whom the Commissioner has granted permission under sub-section (1) of section 14 to pay lump sum tax shall furnish quarterly return in Form 202 with the list of purchase in Form 202A appended to it, within thirty days from the end of the quarter to which the return relates:| Provided that if such a registered dealer becomes liable to pay tax in pursuance of clause (b) of sub-section (1) of section 14, he shall furnish return accordance with sub-rule (2) or, as the case may be, sub-rule (3A) of this rule in respect of the month immediately succeeding the month during which on account of application of clause (b) of sub-section (1) of section 14, the permission granted under the said section ceases to be valid and he shall continue to file monthly or, as the case may be, quarterly return for all subsequent months. (3A) Every registered dealer in whose case the total amount of tax payable by him for all places of business has not exceeded rupees sixty thousand in the previous year or in the current year, shall furnish quarterly return in Form 201alongwith information in Forms 201A and 201B within thirty days from the end of the quarter to which return relates:| Provided that nothing in this sub-rule shall apply in the case of a dealer who - (a) is a manufacturer, (b) purchases the goods in the course of imports from a place out of the territory of India, (c) sells or purchases the goods in the course of inter-State trade or commerce or exports goods out of the territory of India or receives the goods from outside the State or effects branch transfer or consignment out side the State. (d) is dealing in commodities specified in Schedule III of the Act, or (e) holds a certificate of remission or certificate of deferment of tax under any of the incentive schemes, so long as he avails of the benefit of remission or deferment of tax :| Provided further that where the amount of tax payable by a dealer exceeds rupees fifteen thousand in a quarter or he undertakes any of the activity referred to in (a) to (e) of the first proviso, he shall furnish monthly return from the month immediately succeeding the month during which the amount of tax payable or the dealer undertakes any of the aforesaid activities and shall continue to file monthly return for all subsequent months. (3B) A commission agent to whom permission to pay lump sum tax has been granted under sub-rule (3) of rule 28A, shall furnish monthly return In Form 202 with the list of retail invoice in form 201A and list of purchase invoices in Form 201B within thirty days from the end of the month to which such return relates and the provisions of clause (b) of sub-rule (2) of this rule shall *mutatis mutandis* apply. (3C) A dealer to whom a permission to pay lump sum tax has been granted under sub-rule (3) of rule 28B shall file the return as provided under sub-rule (3) of this rule. (3D) A dealer to whom permission to pay lump sum tax has been granted under sub-rule (4) of rule 28C shall furnish quarterly return in Form 202 with the list of purchases in Form 202A within thirty days from the end of the quarter to which such return relates
46. In rule 19(5),after the words “in the commodities”, the words “other than petroleum crude, natural gas and alcoholic liquor for human consumption” shall be inserted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.
47. In rule 19(5), for the words “twenty-two-days”, the words “thirty days” shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH Dt. 3/5/2006 w.e.f. 1/4/2006.
48. In rule 19(6), for the proviso shall be deleted by Notification No.GHN-105/ VAR-2006(8)/TH Dt.11/10/2006.Earlier Proviso :Provided that if a dealer fails to comply with the requirement of clause (ii) or (iii) of sub-rule (2) or sub-rule (3), then such dealer shall be deemed to have not furnished the return as required by section 29.

- ⁴⁹[(7) Notwithstanding anything contained in this rule, the monthly return related to the month of April, 2006, may be furnished by the registered dealer on or before 30th June, 2006.]
- ⁵⁰[(8) If a dealer fails to comply with the requirement of ⁵¹[xxx] ⁵²[**sub-rule (8A)**], he shall be deemed to have not furnished the return as required by section 29.]
- ⁵³[(8A) Every registered dealer shall furnish the return alongwith the information in the Forms appended to respective return by way of uploading on the website of the Finance Department duly authenticated by the dealer himself or by a person referred to in section 65. Such dealer shall not require to furnish the hard copy of such return and the information. Such dealer shall give an undertaking as may be determined by the Commissioner.]
- ⁵⁴[(9) If a dealer fails to furnish any return in accordance with the provisions of section 29 by the prescribed date, he shall be liable to pay a penalty for the period of the continuance of the default as under,-
- (a) rupees one hundred for first seven days of delay from the prescribed date,
 - (b) rupees one hundred and rupees one hundred per day of delay thereafter up to thirty days from the prescribed date,
 - (c) rupees three thousand per month or part thereof of delay after first thirty days from the prescribed date subject to a maximum of rupees ten thousands;
- ⁵⁵[xxx]

49. After rule 19(6), sub-rule (7) shall be inserted by Notification No.GHN-70/VAR-2006(6)/TH Dt.26/5/2006.

50. After rule 19(7), sub-rule (8) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

51. In rule 19(8), the words, brackets and figures "clause (iii) of sub-rule (2) or clause (ii) of sub-rule (3A) or" shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.

52. In rule 19(8), for the words,brackets and figures ""(ii) or (iii) of sub-rule (2) or clause (ii) of sub-rule (3A), the words, brackets and figures "**(iii) of sub-rule (2) or clause (ii) of sub rule (3A) or sub-rule (8A)**" shall be substituted by the **Notification No.GHN-19/VAR-2014(35)/TH Dt.15/10/2014.**

53. After rule 19(8), sub-rule (8A) shall be inserted by Notification No.GHN-19/VAR-2014(35)/ TH Dt.15/10/2014.

54. After rule 19(8), sub-rule (9) shall be inserted by Notification No.GHN-22/VAR-2009(22)/TH Dt.1/8/2009.

55. In rule 19(9), the provisos shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.

Earlier provisos : **Provided** that such penalty shall not exceed rupees one thousand per return in case of a registered dealer to whom permission to pay lump sum tax has been granted under section 14.|| **Provided further** that such penalty shall not exceed rupees two thousand per return in case of a registered dealer required to furnish quarterly return,-(i) in accordance with the provisions of sub-rule (3A) provided his total amount of tax payable for all places of business has not exceeded rupees sixty thousand in the previous year or in the current year, or (ii) in accordance with the provisions of sub-rule (3B)..

20. Submission of annual returns under section 33.

- (1) Every registered dealer shall furnish annual return by way of self assessment to the Commercial Tax Officer within whose jurisdiction his chief place of business as mentioned in certificate of registration is situated. The annual return duly signed by the registered dealer or a person authorized by him shall be furnished within three months from the end of the year to which the annual return relates.

⁵⁶[xxx]

⁵⁷[Provided further that the registered dealer required to submit the audit report in accordance with the provisions of sub-rule (2) of rule 44 shall furnish the annual return within nine months from the end of the year to which the annual return relates.”.]

⁵⁸[Provided also that the registered dealer who has furnished a final return for the period from 1st April, 2017 to 30th June, 2017 in accordance with the provisions of sub-rule (4) of rule 44 shall be deemed to have filled the annual return for the year of 2017-2018 under this rule.]

- (2) Every registered dealer, ⁵⁹[except the registered dealer referred to in sub-rule (3)] shall furnish annual return in **Form 205** along with **Form 205A**.

⁶⁰[(3) [xxx]

(4) [xxx]

(4A) [xxx]

- (5) The registered dealer, where total turnover exceeds rupees one crore, shall furnish the annual return by way of up-loading on the website within three months from the end of the year to which the annual return relates.

56. In rule 20(1), the first proviso shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021. Earlier the first proviso shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.:Provided that the dealer furnishing return under sub-rule (3C) of rule 19 shall furnish the annual return on or before 31st December immediately succeeding the year to which the annual return relates.;

57. In rule 20(1), the second proviso shall be substituted by Notification No.GHN-22/VAR-2009(22)/TH Dt.1/8/09, w.e.f.1/8/09. Earlier second proviso shall be inserted by Notification No.GHN-33/VAR-2007(2)/TH Dt.30/8/2007 :Provided further that the registered dealer (other than the dealer furnishing return under sub-rule (3C) of rule-19) whose total turnover (a) does not exceed rupees one crore, shall furnish annual return related to the year 2006-07 on or before the 31st August, 2007, or (b) exceeds rupees one crore, shall furnish annual return related to the year 2006-07 on or before 31st December, 2007.

58. In rule 20(1), after second proviso, the third proviso shall be inserted by Notification No.GHN-5/VAT2018(47)/TH Dt.19/1/2018.

59. In rule 20(2), the words, brackets and figures “except the registered dealer referred to in sub-rule (3)” shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.

60. After rule 20(2), sub-rule (3), (4) and (4A) shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021. Earlier rule (3), (4) and (4A) : (3) Every registered dealer to whom the Commissioner has granted permission under **section 14, 14A read with clause(bb) of sub-rule (8) of rule 28, 14B, 14C or 14D** to pay lump sum tax shall furnish annual return in Form 202. (4) The registered dealer referred to in sub-rule (4) of rule 19 shall also furnish annual return in **Form 203 or Form 204**, as the case may be. [Earlier In ruoe 19(3),for the word, letters and figures “14A, 14B or 14C”, the words, letters and figures “section 14, 14A read with clause(bb) of sub-rule (8) of rule 28, 14B, 14C or 14D” shall be substituted by the Notification No.GHN-105/VAR-2006(8)DT.11/10/2006 (4A) (a) Every registered dealer referred to in sub-rule (4AA) of rule 19 shall furnish annual return in Form 203 and shall also furnish annual return in **Form 203B or Form 204**, as the case may be. (b) The Commissioner may by way of public circular specify the statements to be submitted by the dealer for the purpose of tax incentives availed by the dealer under any of the incentive scheme.”. { Earlier sub-rule (4A) shall be inserted by Notification (GHN-5) VAR-2016(27) / Th dated 08-01-2016

- (6) The registered dealer, where total turnover exceeds rupees one crore, shall furnish annual accounts containing Trading Account, Profit and Loss Account and the Balance Sheet to the Commercial Tax Officer within whose jurisdiction his chief place of business is situated along with uploading on the website within six months from the end of the year to which the annual return relates.

21. Special provisions for return in certain cases.

- (1) In case of a dealer who is deemed to have been registered under section 23, the first return to be furnished by such dealer shall be for a tax period commencing on the appointed day.
- (2) Where a dealer has been issued a certificate of registration under section 22 or if a dealer becomes liable to pay tax under section 3 subsequent to any day after the appointed day and if he has applied for registration within the period specified in rule 5, then first return to be furnished by such dealer shall be for the period commencing from the date of registration under section 21 or 22 and ending on the last day of the tax period applicable to such dealer and thereafter furnish the returns as per the provisions of rule 19.
- (3) Where a dealer has become liable to pay tax under section 3 or under sub-section (5) of section 57 and has not applied for registration within the period specified in rule 5, then, -
 - (a) the first return to be furnished by such dealer shall be from the date he becomes liable to pay tax and ending on the date of effect of certificate of registration,
 - (b) the return to be furnished thereafter shall be for the period from the date of effect of the registration to the end of the tax period applicable to the dealer and subsequent returns to be furnished thereafter shall be as per provisions of rule 19.
- (4)
 - (a) Where the business carried on by a registered dealer is discontinued or transferred, then the last monthly or quarterly return or, as the case may be, annual return shall be for the period beginning with the last month or, as the case may be, the quarter or year and ending with the date of discontinuance or transfer of the business; and such returns shall be furnished within twenty-two days from the date of the discontinuance or transfer of the business.
 - (b) Where the registration of any dealer is cancelled on the ground referred to in sub-section (5) of section 27, then the last monthly or, as the case may be, quarterly return shall be for the period beginning with the month or, as the case may be, quarter and ending with the date on which the cancellation of registration

takes effect; and such return shall be furnished within twenty-two days from the date of cancellation of registration or within twenty-two days from the end of the month or quarter to which such return relates, whichever is earlier.

22. Permission for furnishing separate returns.

- (1) A dealer who desires to furnish separate returns under clause (b) of sub-section (2) of section 29 shall make an application in **Form 206** to the Commissioner for permission.
- (2) If the Commissioner is satisfied that the application made under subrule (1) is in order, he may grant the permission to such dealer to submit separate returns for such places of business and to such Commercial Tax Officer as may be specified by the Commissioner and there upon the dealer shall furnish separate return accordingly:

Provided that the dealer to whom such permission is granted shall furnish annual return under rule 20 in a consolidated form in respect of all the places of business to the Commercial Tax Officer in whose jurisdiction the chief place of business is situated.

23. Accompaniment of chalan with return.

A dealer required to furnish a return under rule 19 shall furnish such return accompanied by the receipted chalan in **Form 207**.

24. Notice to be served under sub-section (3) of section 29.

Where the total turnover of any dealer is likely to exceed the thresholds of turnover specified in sub-section (1) of section 3, the Commissioner shall serve a notice under sub-section (3) of section 29 in **Form 208**.

25. Exemption from furnishing of returns.

- (1) An application for exemption from furnishing of returns under sub-section (2) of section 29 shall be made to the Commissioner in **Form 209** and if the Commissioner is satisfied that the dealer is not likely to make any taxable sale or purchase during any year, he may grant exemption to such dealer for that year.
- (2) The exemption granted under sub-rule (1) shall be subject to the following conditions, namely;-
 - (a) if the dealer makes during the period of exemption any sale or purchase which is taxable, he shall, within thirty days from the date of such sale or purchase, give information thereof to the concerned Commercial Tax Officer having jurisdiction;
 - (b) the dealer shall furnish returns by the dates and in the manner prescribed by these rules beginning with the period commencing

with the month during which the sale or purchase aforesaid takes place.

- (3) The Commissioner may, after giving the dealer reasonable opportunity of being heard and for the reasons to be recorded in writing, cancel the exemption.
- (4) The exemption granted by the Commissioner under sub-rule (1) shall be for a period of one year and may be exercised from year to year.

26. Payment of tax, etc.

- (1) ⁶¹(a) [xxx]
(aa) [xxx]
(b) Every dealer dealing in commodities mentioned in Schedule III required to furnish monthly return under sub-rule (2) of rule 19 shall, within a period of twelve days immediately succeeding the month for which such return is required to be furnished, pay into the Government Treasury, the tax due and payable in such month along with the amount of interest if any payable by him under the provisions of the Act and shall submit to the Commercial Tax Officer one copy of the chalan receipt in **Form 207** ⁶²[on or before the date prescribed for submission of return:]

Provided that the payment of tax, interest, penalty or any other amount due under the Act may be made either in cash or by means of crossed cheque or bank draft:

Provided further that, if the payment is made by a cheque, then such cheque shall be drawn in favour of anyone of such banks which are authorized by the Government to receive such payments.

61. In rule 26(1), clause (a) and (aa) shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021.
Earlier clause (a) & (aa) : (a) Every dealer other than the dealer referred to in [clause \(aa\) or clause \(b\)](#) of sub-rule (1) of this rule, required to furnish monthly return under sub-rule (2) of rule 19, shall within a period of twenty-two days immediately succeeding the month for which such return is required to be furnished, pay into the Government Treasury, the tax due and payable in such month along with the amount of interest if any payable by him under the provisions of the Act and shall submit to the Commercial Tax Officer one copy of the chalan receipt in **Form 207** [on or before the date prescribed for submission of return](#). [prior In rule 26(1)(a), for the words, brackets and letters "clause(b)", the words, brackets and letters "clause (aa) or clause (b)" shall be substituted by Notification No.GHN-105/VAR-2006(8)/Th Dt.11/10/2006. || In rule 26(1)(a), for the words "along with the return", the words "on or before the date prescribed for submission of return" shall be substituted by Notification No.GHN-39/VAR-2010(287)/TH Dt.24/9/2010] [\(aa\)](#) (i) Every registered dealer furnishing return under sub-rule (3C) of rule 19 shall pay into the Government Treasury- - (a) the tax payable under section 7, (b) the tax payable under sub-sections (1) or (3) of section 9, and (c) an amount equivalent to seventy-five per cent of the tax payable under sub-section (2) of section 9 calculated on the statutory minimum price of the sugarcane crushed during the month alongwith the amount of interest, if any, payable by him under the provisions of the Act within a period of twenty-two days immediately succeeding the month to which the tax relates and shall submit to the Commercial Tax Officer one copy of the receipted chalan in Form 207 along with the monthly statement specified by the Commissioner, within thirty days from the end of the relevant month.(ii) The dealer who has paid the tax as per (c) above, shall pay into the Government Treasury the remaining amount of the tax payable under the Act alongwith the amount of interest, if any, payable by him under the provisions of the Act, on or before 22nd November immediately succeeding the tax period to which the return relates and shall submit to the Commercial Tax Officer one copy of the receipted chalan in Form 207 alongwith the return of relevant tax period.[After rule 26(1)(a), clause (aa) shall be inserted by Notification No.GHN-105/VAR-2006(8)/Th Dt.11/10/2006.]

62. In rule 26(1),in clauses (a) and (b), for the words "along with the return" the words "on or before the date prescribed for submission of return", shall be substituted by Notification No.GHN-39/VAR-2010(287)/TH Dt.24/9/2010.

(c) Notwithstanding anything contained in this rule, the Commissioner may, provide separate procedure for method of such payment in the electronic form.

⁶³[(2) [xxx]

(2A) [xxx]

(3) Where a revised return is furnished by a dealer in accordance with sub-section (4) of section 29 and if such revised return show that an amount of tax payable is higher than that already paid, then such dealer shall pay in the Government Treasury, the additional amount of tax due and payable in accordance with such revised return ⁶⁴[along with the amount of interest, if any,] within the time prescribed for furnishing such revised return and such dealer shall within three days of such payment submit to the Commercial Tax Officer one copy of the receipted chalan in Form 207.

(4) Subject to the provisions of ⁶⁵[sub-rules (1)] where a Government department or the office is liable to pay tax under the Act, the officer authorized by the Government in respect of such department or the officer in charge of such office, shall as soon as may be convenient,

63. In rule 26, sub-rule (2) and (2A) shall be deleted by Notification No.GHN-99/VAR-2010(49)/TH Dt.27/12/2021. Earlier sub-rule (2) and (2A):⁽²⁾ Every dealer required to furnish quarterly return under sub-rule (3), (3A) or (3B) of rule 19 shall within a period of twenty-two days immediately succeeding the quarter to which such return relates, pay into the Government Treasury the tax due and payable in such quarter along with the amount of interest, if any, payable by him under the provisions of the Act and shall submit to the Commercial Tax Officer one copy of the receipted chalan in Form 207 [on or before the date prescribed for submission of return](#). [In rule 26(2), for the words "along with the return" the words "on or before the date prescribed for submission of return", shall be substituted by Notification No.GHN-39/VAR-2010(287)/TH Dt.24/9/2010.] ^(2A) The dealer furnishing return under sub-rule (3) or (3A) of rule 19 and the tax payable by him exceeds rupees sixty thousand in the previous year or during any quarter of the current year, he shall pay the tax due and payable for the current year or, as the case may be, subsequent months of the current year immediately succeeding the quarter during which the amount of tax payable exceeds rupees sixty thousand in the following manner,- (i) the tax payable under the Act shall be paid for each month (except the last month of the quarter) into the Government Treasury within a period of twenty-two days immediately succeeding the relevant month along with the amount of interest, if any, payable by the dealer and one copy of the receipted chalan in Form 207 along with the statement specified by the Commissioner shall be submitted to the Commercial Tax Officer within thirty days from end of the relevant month of the quarter. (ii) after adjusting the amount of tax paid as per clause (i) above, the remaining amount of the tax of the quarter shall be paid into the Government Treasury within a period of twenty-two days immediately succeeding the relevant quarter along with the amount of interest, if any, payable by the dealer and one copy of the receipted chalan in Form 207 shall be submitted [\[xxx\]](#) to the Commercial Tax Officer within thirty days from end of the relevant quarter. [In rule 26(2A)(ii) for the words "along with the return" shall be deleted by Notification No.GHN-39/VAR-2010(287)/TH Dt.24/09/2010, w.e.f. 24/09/2010.] Prior to rule 26, for sub-rule (2) and (2A) shall be substituted by Notification No. GHN-105/VAR-2006(8)/TH Dt.11/10/2006. (2) Every dealer required to furnish quarterly return under sub-rule (3), (3A), (3C) or (3D) of rule 19 shall within a period of twenty-two days immediately succeeding the quarter for which such return is required to be furnished, pay in to the Government Treasury the lump sum tax or as the case may be, tax due and payable in such quarter along with the amount of interest if any payable by him under the provisions of the Act and shall submit to the Commercial Tax Officer one copy of the receipted chalan in Form 207 along with the return required to be furnished under rule 19. || Provided that when the tax payable by the dealer furnishing return under sub-rule (3D) of rule 19 exceeds rupees five thousand in a month, such dealer shall pay the lump sum tax or, as the case may be, tax due and payable for such month and the tax for the previous month, along with the amount of interest thereon, if any, payable by him, for the relevant quarter, within a period of twenty-two days immediately succeeding the month during which the amount of tax payable exceeds and shall continue to pay tax within a period of twenty two days from the end of each month of the remaining period of the year and shall submit to the Commercial Tax Officer one copy of the receipted chalan.. in Form 207 within thirty days from end of the month to which such payment relates.

64. In rule 26(3), after the words "accordance with such revised return", the words along with the amount of interest, if any," shall be inserted by Notification No.GHN-105/VAR-2006(8) Dt.11/10/2006

65. In rule 26(4), for the words "sub-rule (1) and (2)", the words "sub-rule (1)" shall be substituted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021

pay the amount of the tax into the Government Treasury and one copy of the receipted chalan in Form 207 shall be submitted to the Commercial Tax Officer concerned on or before the date prescribed for submission of return.

- (5) Any sum determined by way of composition of an offence in accordance with section 89 shall be paid into the Government Treasury within the time specified in the order determining such composition and the person shall within three days of such payment, submit a copy of the receipted chalan in Form 207 to the officer determining the composition.
- (6) Every payment of tax, lump sum tax, tax deducted at source under section 59B, interest, penalty, composition money or cost awarded by the Tribunal shall be made by way of chalan in Form 207 obtained from a Government Treasury or the office of the Commercial Tax Officer.
- (7) Payment made into a Government Treasury shall be by way of chalan in quadruplicate. The copies marked "Original" and "Duplicate" shall be returned to the dealer duly receipted of which the copy marked "Duplicate" shall be submitted to the respective Commercial Tax Officer, in accordance with the provisions of this rule.
- (8) Subject to the provisions of section 44, no payment of tax, interest, penalty, composition money or cost awarded by the Tribunal shall be made in cash to any officer or authority appointed by or under the Act.
- (9) In case of payment made otherwise than in cash under this rule, the date of realization of payment in the Government Treasury shall be the date of payment.

27. Notice for payment of tax.

The amount assessed under sections 32, 33, 34, 35, 73, 75 or, as the case may be, 79 shall be raised in **Form 305** and be paid within thirty days from the date of service of such notice.

28. Application and permission for payment of lump sum tax.

- (1) An application for permission to pay lump sum tax under section 14 shall be submitted in **Form 210** by the registered dealer to the Commercial Tax Officer in whose jurisdiction he is required to furnish return under rule 19.

⁶⁶[Provided that the dealer who is granted permission to pay lump sum tax under section 14 shall not file a fresh application and

permission granted to him earlier shall continue subject to other provisions of the Act and these rules.]

- (2) An application under sub-rule (1) shall be submitted,-
 - (i) on or before ⁶⁷[31st May, 2006] in respect of the permission for the year 2006-2007;
 - (ii) on or before 30th April for any year subsequent to the year 2006-2007 in respect of which permission is sought.
⁶⁸[**Provided** that for the year 2007-2008, such application shall be submitted on or before the 30th June, 2007.]
- (3) The dealer registered after 1st April, 2006, may apply for the permission referred to under this rule not later than ⁶⁹[**ninety days**] from the effect of such registration.
- ⁷⁰[(3A) Any registered dealer opting to pay *lump-sum* tax under section 14 has already claimed the tax credit for the goods held in the stock on the date of effect of permission to pay *lump-sum* tax, shall reverse such tax credit and the amount of such reversal of tax credit shall be paid by him.]
- (4) The Commissioner shall communicate his decision regarding the permission or rejection thereof to the applicant dealer within fifteen working days from the date of receipt of application.
- (5) The Commissioner may, after making such inquiry as he thinks fit, ensure compliance of the provisions of the Act and the rules, grant permission under sub-section (1) of section 14 in **Form 211**.
- (6) If the registered dealer to whom such permission was granted contravenes the provisions of the Act or the rules, such permission shall be liable to be cancelled forthwith from the date of the event concerning such contravention. Such dealer shall be liable to pay tax ⁷¹[under section 7 from the day on] which the event for such contravention has occurred. No order for cancellation of permission under this sub-rule shall be made unless such dealer has been given reasonable opportunity of being heard.
- (7) If the registered dealer to whom such permission was granted elects not to have such permission, such dealer shall intimate accordingly to the authority with whom he files the returns and the authority shall cancel the permission. Such dealer shall be liable to pay tax under

67. In rule 28(2), in clause (i), for the words and figures "15th May of 2006", the words and figures 31st May 2006" shall be substituted by Notification No.GHN-70/VAT-2006(6)/TH Dt.26/5/2006.

68. In rule 28(2), to clause (ii), the proviso shall be inserted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

69. In rule 28(3), for the words "thirty days", the words "ninty days" shall be substituted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

70. After rule 28(3), sub-rule (3A) shall be inserted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

71. In rule 28(6), for the words "from the month immediatly succeeding the mont during", the words "under section 7 from the day on" shall be substituted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

the Act from the month immediately succeeding the month during which permission to pay lump sum has been cancelled on basis of his application.

- (8) (a) The Commissioner may on application by any dealer in **Form 214** who has under section 14A has opted to pay a lump sum tax by way of composition of tax in lieu of the amount of tax leviable from him under ⁷²[sections 7] on the turnover of sales of goods (whether as goods or in any other form) involved in the execution of works contract, permit such dealer, subject to the conditions specified in clause (b) to pay a lump sum tax by way of composition in respect of the contracts for which such permission is granted.
- (b) The Commissioner shall after making such inquiry as he thinks fit, grant the permission subject to the provisions of the Act, these rules and the conditions specified as follows, namely:-
- (i) such permission shall be granted in **Form 215** ⁷³[within fifteen working days from the date of receipt of an application] in respect of the contracts for which option to pay composition money is exercised and such permission is effective from the date of the beginning of the contract and till its conclusion,
 - ⁷⁴[(i-a) Where an application is made under sub-clause (iii-a), the permission shall be effective from the date of receipt of application for the remaining work of the respective works contract. ’]
 - (ii) an application made under this rule shall be in respect of those contracts, which begin during the period for which the dealer hold valid registration certificate under the Act,
 - (iii) such an application shall be made within thirty days from the beginning of the contract,
 - ⁷⁵(iii-a) An application for permission to pay lump sum tax for the ongoing works contract during the year 2006-2007 shall be submitted on or before the 30th November, 2006.

72. In rule 28(8), for the words and figures “section 7 & 9”, the words and figures “section 7”, shall be substituted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

73. In rule 28(8)(b), in sub clause (i), after the words and figures “in Form 215”, the words “within fifteen working days from the date of receipt of an application” shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

74. In rule 28(8)(b), after sub clause (i), sub-clause (i-a) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

75. After rule 28(8)(b)(iii), sub-clause (iii-a) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006.

- (iv) in respect of dealers in whose case the tax already paid along with the respective returns for any period prior to the date of application is less than the amount of composition payable for the particular period for which the return is filed, such a dealer shall pay the amount of difference between the composition due for that period and the amount already paid along with the interest on the unpaid amount at the rate of one and one half per cent per month from the date by which the amount due for the said return was required to be paid under the provisions of rule 26 till the date of actual payment. Such amount shall be paid in the Government treasury before making an application,
- (v) such permission shall be granted in respect of contracts for which no tax credit is claimed or allowed in the returns or assessment,
- (vi) such permission shall be granted only on the production of the proof that no amount has been collected by the applicant by way of tax in respect of the contract for which option is exercised,
 - (vi-a) (1) the dealer shall not use the goods in the execution of works contracts covered under the permission to pay lump sum tax, if such goods are-
 - (i) purchased in the course of inter-State trade or commerce or imported from outside the territory of India, or
 - (ii) received from his branch situated outside the State or from his consigning agent outside the State ;
 - (2) if such dealer uses any taxable goods in the execution of works contract covered under the permission to pay *lump sum* tax, such goods ought to have borne the tax payable under the Act;
 - (3) if such dealer has already claimed the tax credit for the goods held in the stock on the date of effect of permission and such goods are going to be used in the works contract for which permission to pay *lump sum* tax is sought for, he shall reverse such tax credit; and

76. In rule 28(8)(b)(iv), for the words "One and one half", the words "one and one half per cent" shall be substituted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

77. After rule 28(8)(b)(vi), sub-clause (vi-a) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

(4) if the permission to pay *lump sum* tax is granted under clause (bb), the dealer shall not dispatch the goods to his branch situated outside the State or to his consigning agent outside the State:

Provided that where a dealer who has been granted the permission to pay *lump sum* tax prior to the commencement of Gujarat Value Added Tax (Seventh Amendment) Rules, 2006 shall have option to get cancelled such permission.”

(vii) the dealer applying for permission should not have contravened any provisions of the Act or rules made there under.

⁷⁸[(bb) (i) Subject to the provisions of this sub-rule, the dealer shall apply in Form 214A for the permission to pay a *lump sum* tax by way of composition for ongoing as well as new works contracts to be executed by him during the year or for the remaining period of the year and the permission shall be granted by the Commissioner in Form 215A within fifteen working days from the date of receipt of such application.

(ii) An application for permission to pay *lump sum* tax during the year 2006-2007 shall be submitted on or before the 30th November, 2006 and the permission shall be effective from the date of receipt of such application.

(iii) An application for permission to pay *lump sum* tax subsequent to the year 2006-2007 shall be submitted within thirty days before the commencement of the year and the permission shall be effective from the beginning of the year.

⁷⁹[Provided that the dealer who is granted permission to pay lump sum tax under section 14A shall not file a fresh application and permission granted to him earlier shall continue subject to other provisions of the Act and these rules.]

(iv) A dealer who gets new registration during the year, he shall apply for such permission within ⁸⁰[**ninety days**] from the date of effect of such registration and the permission shall be effective from the date of receipt of such application.

78. After rule 28(8)(b), sub-rule (bb) shall be inserted by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

79. In rule 28(8)(bb)(iii), the proviso shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008,w.e.f.1/4/2008.

80. In rule 28(8)(bb)(iv),for the words “sixty days”, the words “ninty days” shall be substituted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

- (c) The composition money shall be payable by the dealer on the full amount received by him at any time in respect of those contracts for which permission for composition has been granted ⁸¹[after deducting the amount paid by way of price for entire sub-contract, if any, made with sub-contractor.]
- (d) The composition money shall be paid in the manner in which the tax is payable under rule 26.
- (e) The amount shall be considered to have been received as under:-
 - (i) from the date on which it becomes due as per the schedule of payment in respect of contracts which provided for a schedule of payment,
 - (ii) the date on which the bill is prepared or the amount is received whichever is earlier in respect of contracts, which do not provide for schedule of payment.
- (f)
 - (i) the dealer shall be required to file the returns in accordance with the provisions of section 29 of the Act.
 - (ii) the dealer shall be required to file a statement in **Form 216** for every quarter within ⁸²[thirty days] from the end of the quarter to which it pertains.
- (g) If the dealer to whom the permission to pay *lump sum* tax is granted contravenes the provisions of the Act or the rules made in this behalf, such permission shall be liable to be cancelled forthwith from the date of the event concerning such contravention. Consequently, such dealer shall be liable to pay tax under section 7 from the date of such contravention. No order for cancellation of permission under this sub-rule shall be made unless the dealer has been given reasonable opportunity of being heard:
 Provided that where the amount of *lump sum* tax for the remaining work is more than the amount of the tax payable under section 7, the dealer shall require to pay *lump sum* tax for the remaining work.
- (h) Any dealer who is covered by sub section (3) of section 14A desires to obtain permission under this Act, shall apply as per the provisions of this rule. All the provisions shall *mutatis mutandis* apply to such dealer.

81. In rule 28(8)(c), the words "after deducting the amount paid by way of price for entire sub-contract, if any, made with sub-contractor.", shall be added by Notification No.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

82. In rule 28(8)(f), in sub-clause (ii), for the words "twenty two days", the words "thirty days" shall be substituted by NotificationNo.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

83. In rule 28(8), for clause (g) shall be substituted by NotificationNo.GHN-105/VAR-2006(8)/TH Dt.11/10/2006..

Earlier clause (g) : The Commissioner may cancel the permission, if any, where,- (i) the dealer fails to pay the full amount of composition money or to furnish a statement in Form 216 within the time prescribed, (ii) the dealer contravenes any provisions of the Act or rules made there under.

- (i) The option exercised under this rule shall be final and is irrevocable.
- ⁸⁴[(9) (i) Notwithstanding anything contained in this rule, the dealer who transfers property in goods (whether as goods or in some other form) involved in the execution of civil works contract and applies to pay tax under the scheme announced vide Government of Gujarat, Finance Department, Resolution No. GST/1014/VAT CELL Dated 14/10/2014, shall be deemed to have permission to pay lump sum tax with effect from the date when he becomes liable to pay tax under sub-section (3) of section 3 of the Act.
- (ii) Such dealer may be allowed use of the goods referred to in sub-clause (vi-a) (1) in the execution of works contracts covered under the permission to pay lump sum tax referred to in clause (i) above on payment of requisite taxes as per the terms and conditions of the said scheme.]

⁸⁵**[28A. Procedure and conditions for lump sum payment under section 14B.**

- (1) An application for permission to pay lump sum tax under section 14B shall be submitted by the commission agent In Form 210A to the Commercial Tax Officer in whose jurisdiction he is required to furnish return under rule 19.
- (2) An application under sub-rule (1) may be submitted by the commission agent at any time during a financial year.
- (3) The Commissioner may, subject to provisions of section 14B, grant permission in Form 211A to such commission agent to pay lump sum tax.
- (4) The permission to pay lump sum tax under sub-rule (3) shall be subject to the condition that the agricultural produce shall be sold by the commission agent within twelve months from the date of the purchase.
- (5) The permission to pay lump sum tax shall be effective from the tax period subsequent to the month in which the application for permission under sub-rule (1) is submitted.
- (6) The lump sum tax shall be paid in the manner in which the tax is payable under rule 26.
- (7) If the commission agent to whom such permission was granted contravenes the provisions of section 14B or the rules made in this behalf, such permission shall be liable to be cancelled forthwith from the date of the event concerning such contravention. Consequently,

84. After rule 28(8), sub-rule (9) shall be inserted by Notification No.GHN-18/VAR-2014(34)/TH DT.14/10/2014.

85. After rule 28, rule 28A and 28B shall be inserted by Notification No.GHN-68/VAR-2006(5)/TH Dt.19/5/2006

such commission agent shall be liable to pay tax from the first day of the month during which the event for such contravention has occurred. No order for cancellation of permission under this sub-rule shall be made unless the commission agent has been given reasonable opportunity of being heard.

- (8) If the commission agent to whom such permission was granted elects not to have such permission, he shall intimate accordingly to the concerned Commercial Tax Officer and such Officer shall cancel the permission and thereupon such commission agent shall be liable to pay tax under the Act from the month immediately succeeding the month during which permission to pay lump sum tax has been cancelled on the basis of his application.

28B. Procedure and conditions for lump sum payment under section 14C.

- (1) An application for permission to pay lump sum tax under section 14C shall be submitted by the dealer in Form 210B to the Commercial Tax Officer in whose jurisdiction he is required to furnish return under rule 19.
- (2) An application under sub-rule (1) may be submitted at any time during a financial year.
- (3) The Commissioner may, subject to the provisions of section 14C, grant permission in Form 211B to such dealer to pay lump sum tax .
- (4) The permission to pay lump sum tax shall be effective from the tax period subsequent to the month in which the application for permission under sub-rule (1) is submitted.
- (5) The lump sum tax shall be paid in the manner in which the tax is payable under rule 26.
- (6) If the dealer to whom such permission was granted contravenes the provisions of the Act or the rules made in this behalf, such permission shall be liable to be cancelled forthwith from the date of the event concerning such contravention. Consequently, such dealer shall be liable to pay tax from the first day of the month during which the event for such contravention has occurred. No order for cancellation of permission under this sub-rule shall be made unless the dealer has been given reasonable opportunity of being heard.
- (7) If the dealer to whom such permission was granted elects not to have such permission, such dealer shall intimate accordingly to the concerned Commercial Tax Officer and such officer shall cancel the permission and thereupon such dealer shall be liable to pay tax under the Act from the month immediately succeeding the month during which permission to pay lump sum tax has been cancelled on the basis of his application.]

⁸⁶**[28C. Procedure and conditions for *lump sum* payment under section 14D.**

- (1) An application for permission to pay *lump sum* tax under section 14D shall be submitted by the dealer in Form. 210C to the Commercial Tax Officer in whose jurisdiction he is required to furnish return under rule 19.
- (2) An application under sub-rule (1) shall be submitted, -
 - (a) before 30th September, 2006
 - (i) in respect of permission for year 2006-2007, and
 - (ii) in respect of a dealer who has obtained permission earlier to pay *lump sum* tax under section 14 read with rule 28,
 - (b) within thirty days from the date on which the total turnover exceeds rupees fifty lacs in respect of a dealer who has been granted permission to pay *lump sum* tax under section 14,
 - (c) within thirty days before the commencement of the year subsequent to year 2006-2007,

⁸⁷**[Provided** that for the year 2007-2008, such application shall be submitted on or before the 30th June, 2007;]

⁸⁸**[Provided** that the dealer who is granted permission to pay *lump sum* tax under section 14D shall not file a fresh application and permission granted earlier shall continue subject to other provisions of the Act and these rules.]
 - (d) within ⁸⁹**[ninety days]** from the date of effect of registration where the dealer gets new registration.
- (3) The option to pay *lump sum* tax under sub-rule (1) shall be for a period ending with the financial year.

⁹⁰**[(3A)** Any registered dealer opting to pay *lump-sum* tax under section 14D has already claimed the tax credit for the goods held in the stock on the date of effect of permission to pay *lump-sum* tax, shall reverse such tax credit and the amount of such reversal of tax credit shall be paid by him.

- (3B)** (1) The Commissioner shall not grant permission to pay *lump-sum* tax under section 14D to a registered dealer who has, in stock any eatables or raw materials thereof in any form (whether processed or unprocessed), which --
- (i) have been purchased in the course of inter-State trade or commerce or imported from a place outside the territory of India,

86. After rule 28B, rule 28C shall be inserted by Notification No.GHN-92/VAR-2006(7)/TH Dt.17/8/2006.

87. In rule 28C(2), in sub-clause (c), the proviso shall be inserted by Notification NO.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

88. In rule 28C(2), in sub-clause (c), after first proviso, the second proviso shall be inserted by Notification No.GHN-23/VAR-2008(16)/TH Dt.1/4/2008

89. In rule 28(2)(d), for words "thirty days", the words "ninety days" shall be substituted by Notification No.GHN-18/ VAR-2007(10)/TH Dt.22/5/2007.

90. After rule 28(C)(3), sub-rule (3A) and (3B) shall be inserted by Notification No.GHN-18/VAR-2007(10) Dt.22/5/2007.

- (ii) have been received from his branch situated outside the State or from his consigning agent outside the State, or
 - (iii) have not borne the tax payable under the Act.]
- (4) If the application made under sub-rule (1) is complete in all respect and the dealer is eligible for the permission, the Commissioner may grant permission under sub-section (1) of section 14D in Form 211C, within a period of fifteen working days from the date of receipt of the application.
- (5) (a) The permission to pay *lump sum* tax shall be effective from the date of application where the application is made under clause (a) or (d) of sub-rule (2);
- (b) The permission to pay *lump sum* tax shall be effective from the date on which the total turnover exceeds rupees fifty lacs where the application is made under clause (b) of sub-rule (2);
- (c) The permission to *pay lump sum* tax shall be effective from the beginning of the year where the application is made under clause (c) of sub-rule (2).
- (6) The dealer shall not -
- (a) purchase eatables or raw materials there of, in any form (whether processed or unprocessed) in the course of inter-state trade or commerce or import such goods from a place outside the territory of India, or
 - (b) receive eatables or raw material thereof, (whether processed or unprocessed) in any form from his branch situated outside the State or from consigning agent outside the State.
- ⁹¹[Provided that the dealer to whom such permission is granted may purchase goods which are not produced in the State due to legal constraints, for the purpose of sales in the same form, subject to following conditions :,
- (a) such dealer shall be liable to pay tax under section 7 on the turnover of sales of such goods,
 - (b) such sales shall not be included in the total turnover of sales for calculating the amount of lump-sum tax,
 - (c) such dealer shall keep separate accounts for the purchase and sale of such goods.]
- (7) If the dealer to whom such permission is granted contravenes the provisions of the Act or the rules made in this behalf, such permission shall be liable to be cancelled forthwith from the date of the event concerning such contravention. Consequently, such dealer shall be liable to pay tax from the date of such contravention. No order for

91. In rule 28C(6), in clause (b). the proviso shall be inserted by Notification No.GHN-23/VAR-2013(33)/TH Dt.8/10/2013, w.e.f. 17/8/2006.

cancellation of permission under this sub-rule shall be made unless the dealer has been given reasonable opportunity of being heard.

- (8) If the dealer to whom such permission is granted elects not to have such permission, such dealer shall intimate accordingly to the concerned Commercial Tax Officer and such officer shall cancel the permission and thereupon such dealer shall be liable to pay tax under the Act from the month immediately succeeding the month during which permission to pay *lump sum* tax has been cancelled on the basis of his application.
- (9) The *lump sum* tax shall be paid in the manner in which the tax is payable under rule 26.
- (10) The dealer shall display conspicuously at each place of his business including branches a notice with the phrase "Tax is not charged separately"
- (11) The State Government may, by general or special order direct any dealer or a class of dealers to keep such additional books of accounts (including the records of purchases and sales), invoices and computer records in the manner, as may be specified therein.]

CHAPTER VI
ASSESSMENT OF TAX AND RELATED PROCEDURE

29. Provisional assessment under section 32.

(1) The notice required to be served under sub-sections (2) and (4) of section 32 shall be in **Form 301** and the date fixed for compliance with the notice shall not be earlier than fifteen days from the date of service thereof:

Provided that a date earlier than aforesaid may be fixed, if the dealer or his agent agrees thereto in writing.

(2) The order of provisional assessment to be made under section 32 shall be in **Form 304**.

30. Particulars and supporting documents under section 33.

(1) Every registered dealer, ⁹²[xxx] shall furnish,-

(a) **Form 201** alongwith the **Forms 201A, 201B and 201C** appended to Form 201.

(b) the forms on the strength on which he has availed exemption from or concession of tax under any provision of the Act or the Central Act along with the annual return in Form 205.

(c) **Form 212** and **Form 213** in case of a dealer dealing in the commodities ⁹³[other than petroleum crude, natural gas and alcoholic liquor for human consumption] mentioned in Schedule III to the Act.

(2) Notice required to be given under clause (c) of sub-section (3) of section 33 shall be in **Form 302** and such notice shall be served on such dealer not later than two year from the date of closure of the year in respect of which the tax is assessable.

31. Audit assessment under section 34.

(1) The notice required to be given under sub-section (2) of section 34 shall be in **Form 302** and the date fixed for compliance with the notice shall not be earlier than fifteen days from the date of service thereof:

Provided that the date earlier than aforesaid may be fixed, if the dealer or his agent agrees thereto in writing.

(2) The order of assessment under section 34 shall be in **Form 304**.

92. In rule 30(1), for the words, figures and letters "other than a dealer who has been granted permission to pay lump sum tax under section 14, 14A read with clause (bb) of sub- rule (8) of rule 28, 14B, 14C, or 14D," shall be deleted by Notification No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021|| Earlier these was substituted for "Section 14", the words, figures and letters "section 14, 14A read with clause (bb) of sub- rule (8) of rule 28, 14B, 14C, or 14D," shall be substituted by Notification No.GHN-5/VAR-2006(8)/TH Dt.11/10/2006.

93 In rule 30(1), in clause (c), after the words "in commodities", the words "other than petroleum crude, natural gas and alcoholic liquor for human consumption" shall be inserted by Notification No.No.GHN-99/VAR-2021(49)/TH Dt.27/12/2021

- (3) The Commissioner may make the detailed scrutiny in the following cases for audit assessment under clause (b) of sub-section (2) of section 34, namely:-
- (a) annual total turnover exceeds rupees ten crores,
 - (b) the annual tax payable exceeds rupees twenty- five lakhs,
 - (c) total turnover or taxable turnover or tax payable compared to the previous year falls to the extent of ten per cent,
 - (d) a dealer whose books of accounts or other documents or any inventory of goods have been seized under sub-section (4) of section 67,
 - (e) a dealer in whose case input tax credit claimed compared to the previous year exceeds ten percent.,
 - (f) a dealer in whose case at the end of the year, the amount of input tax credit carried forward exceeds twenty per cent of the output tax shown payable in that year.
 - (g) a dealer who has been granted certificate of exemption under the sales tax incentive scheme declared by the Government from time to time and a dealer situated in Special Economic Zone or hundred percent Export Oriented Unit, and
 - (h) cases of any particular trade or dealers or nature of transactions which the commissioner may select or the cases selected by way of random sampling method by the Commissioner.

32. Re-assessment under section 35.

- (1) The notice required to be given under sub-section (1) of section 35 shall be in **Form 303** and the date fixed for compliance with the notice shall not be earlier than fifteen days from the date of service thereof:

Provided that the date earlier than aforesaid may be fixed, if the dealer or his agent agrees thereto in writing.

- (2) The order of re-assessment under section 35 shall be in **Form 304**.

33. Supply of copy of order of assessment.

- (1) A certified copy of the order of provisional assessment, audit assessment and re-assessment shall be furnished free of charge to the assessee or to his authorized person along with the notice issued in accordance with sub-section (1) of section 42.
- (2) An assessee or a person to whom section 34 applies and who requires an additional certified copy or copies of such order shall be supplied with the same on his making an application in this behalf, bearing a court fees stamp of fifty rupees, for each copy.

34. Assessment case record.

All papers relevant to the making of an assessment in respect of a dealer shall be kept together and shall form an assessment case record and such records shall be preserved for eight years.

35. Remission of tax in case of loss due to natural calamities, etc.

- (1) Subject to the provisions of sub-rule (2), the Commissioner may for sufficient reasons, remit the whole or any part of the tax payable in respect of any period by registered dealer if such dealer has suffered financially on account of natural calamity or extraordinary circumstances beyond his control.
- (2) No remission of tax shall be made under this rule-
 - (a) except on application made in this behalf to the Commissioner by the registered dealer setting forth,-
 - (i) the details regarding extraordinary circumstances or, as the case may be, the natural calamity,
 - (ii) the exact amount of loss sustained by him,
 - (iii) the extent of relief prayed for and the reasons therefore, and
 - (iv) the details regarding realization of any claim prepared under any insurance or on receipt of any grant-in-aid,
 - (b) if the loss has been substantially mitigated by the realization of any claim preferred under any insurance or on receipt of any grant-in-aid.
- (3) If the amount to be remitted under this rule exceeds fifty thousand rupees, the remission of excess shall not be made without the previous sanction of the Government.

36. Order sanctioning refund.

When the Commissioner is satisfied that a refund is due to any person, he shall record an order showing the amount of refund and shall communicate the same to the person concerned.

37. Provisional refund under ⁹⁴[section 37 or 40.]

- (1) Where a dealer has become entitled to provisional refund under ⁹⁴[section 37 or 40,] he shall make an application in **Form 306** to the Commercial Tax Officer to whom he has furnished such returns.
- (2) Any dealer required to furnish the security other than Bank Guarantee under sub-section (2) of section 37 shall deposit Government Securities in the form of Stock Certificates or Government Promissory

94. In rule 37, in the heading and sub-rule (1), for the words and figures "section 37", the words and figures "section 37 or 40" shall be substituted by Notification No.GHN-5/VAR-2007(9)/TH Dt.15/2/2007

Notes of a market value not less than the sum determined by the Commissioner or National Savings Certificates, or Treasury Savings Deposit Certificates of a face value not less than the said sum, duly endorsed in favour of the Commissioner.

- (3) Where a dealer is required to furnish a Bank Guarantee, such a dealer shall furnish the guarantee of a bank approved by the Commissioner, agreeing to pay the Commissioner on demand, a sum not exceeding the amount determined by the Commissioner.
- ⁹⁵[(4) On receipt of the security or guarantee furnished in under sub-rule (2) or (3), the Commissioner may grant the provisional refund not exceeding the amount of refund so claimed or amount of security or guarantee furnished by the dealer.
- (5) Notwithstanding anything contained in the proviso to sub-rule (8) of rule 15, the Commissioner may grant provisional refund for an amount not exceeding ⁹⁶[**ninety per cent**] of the amount claimed in the return furnished by a dealer in the following circumstances :-
- (i) Where the amount of tax credit remains unadjusted in the returns continuously in each month of the quarter in the case of a dealer who is a trader or a manufacturer of taxable goods and sells taxable goods in the State or who sells taxable goods in the course of inter-state trade and commerce or who dispatches taxable goods to his branch or to his consigning agent outside the State.
- (ii) Where the amount of tax credit remains unadjusted in the return furnished by a dealer who exports taxable goods out of the territory of India,
- (iii) Where the refund under section 40 has been claimed in the return.
- ⁹⁷[**xxx**]
- ⁹⁸[(5A) Notwithstanding anything contained in this rule, the Commissioner may grant provisional refund upto rupees one lakh for a full amount, allowable as refund during the year, within thirty days from the date of submission of all documents subject to the following conditions. Thereafter, the provisional refund shall be granted in accordance with the provisions under sub- rule (5).
- (i) The amount of refund paid in the previous year should not have exceeded rupees one lakh.

95. In rule 37, after sub-rule (3), sub-rule (4), (5), (6), (7), (8) and (9) shall be inserted by Notification No.GHN-5/VAR-2007(9)/TH Dt.15/2/2007

96. In rule 37(5), for the words "seventy five percent", the words "ninty percent" shall be substituted by Notification No.GHN-35/VAR-2008(19)/TH DT.1/7/2008.

97. In rule 37(5), the proviso shall be deleted by Notification No.GHN-35/VAR-2008(19)/TH DT.1/7/2008.

Earlier proviso : Provided that the Commissioner may grant provisional refund for an amount not exceeding ninety per cent of the amount claimed in the return furnished by the specified dealer, developer or co-developer of the Special Economic Zone in the circumstances specified above.[Prior to deletion proviso to sub-ule (5) was inserted by Notification No. (GHN-33) VAR-2007(12) / TH dated 30-8-2007, rior to deletion proviso to sub-ule (5) was inserted by Rule 3 of the Gujarat Value Added Tax (Fourth Amendment) Rules, 2007, Noti. No. (GHN-33) VAR-2007(12) / TH dated 30-8-2007]

98. After rule 37(5), sub-rule (5A) shall be inserted by Notification No.GHN-34/VAR-2016(38)/TH Dt.25/05/2016.

(ii) The dealer should be holding a certificate of registration under the Act for more than two years on the date of application for such refund,

The other provisions of this rule shall apply mutatis mutandis to such dealers”.]

- (6) The Commissioner may by way of public circular specify the documents to be submitted by the dealer for the purpose of provisional refund under sub-rule (5)
- (7) The Commissioner may grant and decide by way of an order for a full or partial amount of refund in accordance with the rule.
- (8) The amount referred to in sub-rule (5) may be refunded within the period of ⁹⁹[**thirty days**] from the date of receipt of the application.
- (9) In case where the difference between the amount of refund arrived at under sub-rule (5) and the amount of refund allowed after provisional assessment under section 32 exceeds twenty-five per cent of the amount of refund allowed under section 32, the dealer shall not be eligible for provisional refund under sub-rule (5) for a period as decided by the Commissioner.]

38. Refund Payment Order.

When an order for refund has been made under rule 37, the Commissioner shall issue such Refund Payment Order in **Form 307** by forwarding the same to the Bank declared by the dealer in his application for registration under section 29, 30 and 30A of the earlier Act or under section 21 or 22 of the Act or to the bank which the dealer has intimated to the registering authority.

39. Refund Adjustment Order.

- (1) Where any person becomes entitled to refund under the Act, the Commissioner shall first adjust the amount of refund towards the liability of tax, penalty or interest from such person.
- (2) If the applicant desires the payment by adjustment against any amount payable by him, the Commissioner shall make out a Refund Adjustment Order in **Form 308** authorizing the applicant to adjust the sum to be refunded against any amount payable by him in respect of the period for which a return is to be furnished under rule 19 during which the refund is sanctioned or any subsequent period or tax payable on account of any notice under section 42.

99. In rule 37(8), for the words “ninety days”, the words “thirty days” shall be inserted by Notification No. GHN-13/VAR-2017(42)/TH Dt.5/5/2017|| .Earlier words “ninety days” were substituted for the words “fifteen days” by Noti. No. (GHN-19) VAR-2014(35) - TH dated 15-10-2014.

- (3) When the Refund Adjustment Order under rule 40 is furnished with the return, the Commissioner shall cancel his own copy as well as the copy of the person to whom the refund was granted.

40. Order sanctioning interest on delayed refunds.

- (1) Where upon an application by any person claiming interest on any refund or otherwise, the Commissioner is satisfied that such interest is due and payable to the applicant or any person under section 38, the Commissioner shall record an order specifying therein the amount of refund the payment of which is delayed, the period of delay for which interest is payable and the amount of interest payable therefor, and shall communicate the same to the applicant or person concerned.
- (2) When an order for interest on refund has been made, the Commissioner shall issue Interest Payment Order in **Form 307** by forwarding the same to the bank declared by him in his application for registration under section 29, 30 and 30A of the earlier law or under section 21 or 22 of the Act or to the bank which the dealer has intimated to the registering authority.

41. Provisional attachment under section 45.

- (1) Where the Commissioner decides to attach the property under section 45, he shall pass an order to that effect mentioning therein the details of property which is attached.
- (2) If the property attached is of immovable nature, the Commissioner shall simultaneously send intimation to the revenue authority requiring them to endorse the charge on such property.
- (3) If the property attached is of perishable nature, and if the dealer pays the amount equivalent to the market price of such property, then such property shall be forthwith released on proof of payment.
- (4) If dealer fails to pay the amount referred to in sub-rule (3), the Commissioner may dispose of such property and the amount realized thereby shall be adjusted against the tax liability of the dealer.

CHAPTER VII INVOICES AND MAINTENANCE OF ACCOUNTS

42. Invoices under section 60.

- (1) Every registered dealer who is required to issue tax invoice under sub-section (1) of section 60 shall prepare a tax invoice when he sells taxable goods to another registered dealer duly signed by the person whose specimen signature has been furnished to the registering authority under section 66A of the Act.
- ¹⁰⁰[(2) A selling registered dealer shall issue serially and mechanically numbered tax invoice in duplicate. The copies of the invoice marked “original” be delivered to the buyer and the copy marked “duplicate” shall be retained by the registered dealer.]
- ¹⁰¹[(2A) The dealer making zero rated sale under section 5A shall issue serially and mechanically numbered tax invoice in triplicate. The copies of the invoice marked “original” and “duplicate” shall be delivered to the buyer, and the copy marked “triplicate” shall be retained by the seller. The duplicate copy of tax invoice endorsed by the authority appointed for the purpose of duty of customs, shall be returned to the seller after such endorsement.]
- (3) **A tax invoice shall contain the following particulars**, namely:-
 - (a) consecutive serial number of tax invoice and serial number of tax invoice book if any,
 - (b) the date of the issue of tax invoice,
 - (c) name, address and registration number of the seller issuing tax invoice including registration number of Central Sales Tax Act, 1956, if any,
 - (d) name, address and registration number of the purchaser including registration number of Central Sales Tax Act, 1956, if any,
 - (e) full description of goods including HSN code,
 - (f) quantity of goods sold,
 - (g) price of goods excluding tax,
 - (h) rates of ¹⁰³[tax and additional tax] and the amount of ¹⁰³[tax and additional tax] charged in respect of goods, and
 - (i) gross value of goods including the amount of tax.

100. In rule 42, sub-rule (2) shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH Dt. 3/5/2006, w.e.f. 1/4/2006. Earlier sub-rule (2): A selling registered dealer shall issue serially and mechanically numbered tax invoice in triplicate. The copies of the invoice marked “original” and “duplicate” be delivered to the buyer and the copy marked “triplicate” shall be retained by the registered dealer.

101. After rule 42(2), sub-rule (2A) shall be inserted by Notification No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008.

103. In rule 42(3), in clause (h), for the word “tax”, wherever is occurs, the words “tax and additional tax” shall be substituted by Notification No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008.

- (4) (A) A registered dealer to whom sub-rule (1) does not apply shall issue serially and mechanically numbered retail invoice in duplicate if the sales price exceeds rupees one hundred:

Provided that when a sale is effected in the course of inter-state trade and commerce, or export out of the territory of India a retail invoice shall be signed by the person whose specimen signature has been furnished to the registering authority under section 66A of the Act.

- (B) **The retail invoice shall contain the following particulars, namely:-**

- (a) consecutive serial number of retail invoice and serial number of retail invoice book, if any,
- (b) the date of the issue of retail invoice,
- (c) name, address and registration number of seller issuing retail invoice including registration number of Central Sales Tax Act, 1956, if any,
- (d) full description of goods,
- (e) quantity of goods sold,
- (f) price of goods ¹⁰⁴[inclusive or exclusive of] tax,
- (g) rates of ¹⁰⁵[tax and additional tax]
- (gg) the amount of tax ¹⁰⁶[and additional tax] charged under the Act or the Central Sales Tax Act, 1956 where price of goods is shown exclusive of tax.

Provided that where the purchaser demands the amount of tax charged to be shown separately, the invoice shall contain the amount of tax ¹⁰⁶[and additional tax] so charged;

- (h) gross value of goods including the amount of tax ¹⁰⁷[and additional tax,]
- (i) name, address and registration number under Central Sales Tax Act, 1956 of the purchaser for the sale in the course of Inter-State sale or export:

¹⁰⁸**[Explanation.** - Where in a retail invoice, the amount of tax is included in the sale price of the goods, the

104. In rule 42(4)(B), in sub-clause (f) for the word "excluding", the words "inclusive or exclusive of" shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.

105. In rule 42(4)(B), in clause (g), for the word "tax", the words "tax and additional ta" shall be substituted by Notification No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008.|| Earlier clause (g) was substituted byNotification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006-(g) rate of tax and the amount of tax charged under the Act or the Central Sales Tax Act, 1956,

106 In rule 42(4)(B), in clause (gg), after the words "amount of tax", wherever they occurs , the words "and additional tax " shall be inserted by Notification No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008.|| Earlier clause (g) was substituted byNotification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006-Earlier clause (g) was substituted byNotification No.GHN-55?VAR-2006(3)/TH Dt.3/5/2006-(gg) rate of tax and the amount of tax charged under the Act or the Central Sales Tax Act, 1956,

107. In rule 42(4)(B), in clause (h), after the words "amount of tax", the words "and additional tax " shall be inserted by Notification No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008

108. In rule 42(4)(B), in clause (h), the explanation shall be inserted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.w.e.f.1/4/2006.

calculation of amount of tax to be made in the following manner, namely:-

Formula:

$$\text{Amount of tax} = (S \times R) / (100+R)$$

[Where 'S' means the sale price of the goods and 'R' means the ¹⁰⁹[rate of tax and additional tax] applicable to the respective taxable goods under the Act at the relevant time of such sale.];

Provided that the registered dealer, who has been granted permission to pay lump sum tax, shall not,-

- (i) issue tax invoice;
- (ii) collect from his purchaser any sum by way of tax on the sales of goods, and
- (iii) charge the amount of tax in his retail invoice.]

¹¹⁰[(4A) The Commissioner may, for reasons to be recorded in writing, waive the requirement of furnishing any of the particulars in the tax invoice or retail invoice to be issued by a dealer or class of dealers:

Provided no such waiver shall be made by the Commissioner after the expiration of two years from the commencement of these rules.”;]

(5) In case of transfer of goods within the State or outside the State, the dealer shall account such transfer by issuing stock transfer note or consignment note and all the details as mentioned in clauses (a) to (i), in sub-rule(4) or whichever is applicable shall be invariably described in the stock transfer note or consignment note. The stock transfer note or consignment note shall be signed by the person whose specimen signature has been furnished to the registering authority under section 66A.

(6) The tax invoice and retail invoice shall bear a phrase, namely, 'Tax Invoice' or, as the case may be, 'Retail Invoice' conspicuously on top of it ¹¹¹[and where the price of goods shown inclusive of tax in the retail invoice, it shall bear a phrase “inclusive of tax”.]

¹¹²[(7) Where a dealer issues delivery chalan in respect of sale, transfer or consignment of goods, such chalan shall contain name, address and registration number of the selling dealer as well as the name and address of purchasing dealer and the quantity of goods.]

109 In rule 42(4)(B)(h), the explanation, under the formula, in bracketed text, for the words “rate of tax”, the words “rate of tax and additional tax” shall be substituted by Notification No.No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008, w.e.f. 1/4/2008

110. After rule 42(4), sub-rule (4A) shall be inserted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.w.e.f.1/4/2006.

111. In rule 42(6), the words “and where the price of goods shown inclusive of tax in the retail invoice, it shall bear a phrase “inclusive of tax”.” shall be added at the end by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.w.e.f.1/4/2006.

112. In rule 42, sub-rule (7) shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.

Earlier sub-rule 42(7): Where a dealer issues delivery chalan in respect of sale, transfer or consignment of goods, the provisions of this rule shall mutatis mutandis, apply.

- (8) If the signature of the dealer or authorized person in tax invoice, retail invoice, delivery chalan, stock transfer note or consignment note submitted by the dealer, does not match with the specimen signature available with the Commissioner, then the Commissioner may,-
- (a) reject such document, and
 - (b) question the ownership of the goods where such goods are attributable to such document:
Provided that before rejecting such document or before questioning the ownership of goods, the Commissioner shall provide a reasonable opportunity to the dealer, who has submitted such document, to get the signature authenticated by the dealer who has issued it.

- (9) Where a tax invoice is lost, whether such loss occurs while it is in the custody of the purchasing dealer or in transit by the selling dealer, the purchasing dealer shall furnish in respect of every such invoice so lost an ¹¹³[undertaking (on plain paper)] indemnity bond to the authority before whom such tax invoice is to be submitted, for amount of tax credit, the authority may, having regard to the circumstances of the case, fix.

Such indemnity bond shall be furnished by the selling dealer to the authority before whom such tax invoice is to be submitted if a tax invoice is lost from his custody:

Provided that where more than one tax invoice are lost, the purchasing dealer or the selling dealer, as the case may be, may furnish one such indemnity bond to cover all the tax invoices so lost.

- (10) Where a purchasing dealer loses the original tax invoice, the selling dealer shall provide a copy of such tax invoice clearly marked “copy in lieu of lost tax invoice” containing the following certificate.

“I hereby declare that this is the duplicate of the tax invoice bearing No _____ date _____ issued to M/s. _____ bearing TIN _____”

Date:

Signature of authorized person

43. Credit and Debit notes under section 61.

- (1) Where a registered dealer has given a tax invoice in respect of a sale of goods, and thereafter, the goods or any part thereof are returned to the seller on account of the sale is cancelled or for any other reason, or the value of the sale is altered, whether due to a discount or

113. In rule 42(9), for the words “indemnity bond”, the words “undertaking(on plain paper)” shall be substituted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.

otherwise, he shall, subject to the provisions of section 61, give to the purchaser a credit-note or, as the case may be, a debit-note which shall contain following particulars, namely:-

- (a) mechanically printed consecutive number of credit note or debit note;
 - (b) date of the issue;
 - (c) name, address and registration number of the seller;
 - (d) name, address and registration number of the purchaser;
 - (e) serial number of relevant tax invoice and date of transaction to which the credit note or the debit-note relates to;
 - (f) value of the goods and the amount of the tax ¹¹⁴[and additional tax] credited or debited to the purchaser;
 - (g) signature of the dealer or person duly authorized.
- (2)
 - (a) The relevant period for the event as mentioned in clause (b) of sub section (1) of section 8 shall be one year.
 - (b) The relevant period for the event as mentioned in clause(c) of sub section (1) of section 8 shall be six months from the date of such sale.
 - (3)
 - (a) The credit notes and the debit notes in respect of any annual discounts and any price adjustments shall be issued as and when the accounts are settled between the seller and the buyer provided the settlement is made within three months from the end of the year and the discounts or price adjustment are supported by proper documentary evidences.
 - (b) The credit notes and debit notes in respect of goods returned after sales or purchases shall be issued only when the goods have been returned within a period of six months from the date of such sale.
 - (4) A credit note or debit note shall be issued in triplicate, with the 'original' to be delivered to the purchaser, 'duplicate' to be enclosed with the return to be furnished under rule 19 and the 'triplicate' to be retained by the registered dealer.

44. Audit report under section 63.

- (1) The report of audit under section 63 to be furnished by the specified authority (as defined in the explanation to subsection (1) of section 63) ¹¹⁵[**shall be in Form 217 and shall contain**] following particulars, namely:-

114. In rule 43(1)(f), after the words "amount of tax", the words "an additional tax" shall be inserted by Notification No.No.GHN-23/VAR-2008(16)/ TH Dt. 1/4/2008

115. In rule 44(1), for the words "shall contain", the words and figures "**shall be in Form 217 and shall contain**" shall be substituted by Notification No./GHN-33/VAR-2007(12)/TH Dt.30/8/2007..

- (a) verification of accounts and documents as mentioned in rule 45,
- (b) certificate containing a report as to -
 - (i) correctness of the tax credits claimed by the dealer during the period under report, and
 - (ii) whether the dealer has employed fair and reasonable method as required under sub-section (11) of section 11 of the Act;
- (c) whether the dealer has made the true and proper calculation and payment of tax as required under the Act.

(2) Every registered dealer who is required to obtain the audit report under section 63 shall within a period of thirty days from the date of obtaining such report, submit the following documents by way of uploading on the website of this department as under:

- (i) audit report in Form 217,
- (ii) scanned copy of Statement of particulars duly signed by the specified authority and its soft copy,
- (iii) scanned copies of the lists of all the statutory Forms and its soft copy,
- (iv) scanned copies of Statutory Audit Report and Statement of observations, comments and notes obtained from Chartered Accountant -, and
- (v) an undertaking in the following manner duly signed by the dealer or by a person referred to in section 65,
 - (1) I/we hereby submit that all the details given in the Audit Report are correct and complete to the best of my/our knowledge and scanned copies referred to in (ii) to (iv) are of the documents obtained from the specified authority. Responsibility arising out of any omission or error will be on me/ us.
 - (2) I/we further declare that no information as referred to in (i) to (iv) above has been hidden.
 - (3) I/we am/are well aware about the action of prosecution by the registering authority and the penalty and punishment for the offence of hiding any such information which is found in future.

Date:

Signature and Status:

116. In rule 44, for sub-rule (2) shall be substituted by Notification No.GHN-19/VAR-2014(35)/TH Dt.15/10/2014.
 Earlier rule 44(2) : (2) Every registered dealer who is required to obtain the audit report under section 63 shall within a period of thirty days from the date of obtaining such report, submit true copy of such report to the Commercial Tax Officer having jurisdiction upon him.|| Provided that the true copy of the audit report related to year 2006-2007 may be submitted by the registered dealer on or before the 31st May, 2008.

¹¹⁷[(3) Every registered dealer whose total turnover in respect of any particular year exceeds rupees one crore shall get his ¹¹⁸[**and taxable turnover exceeds rupees twenty lacs**] accounts verified and audited by a specified authority.

¹¹⁹[**Provided** that the provision made under this sub-rule shall be apply to the aduit reports related to the year 2006-07 and the years subsequent to the year 2006-07.]

¹²⁰[(4) Every registered dealer whose taxable turnover is more than rupees twenty five lakh for the period from 1st April, 2017 to 30th June, 2017, shall furnish, by way of uploading on the website, a final return for such period within seven months from 1st July, 2017 as follows,-
(i) in Form 202 in case of a registered dealer who furnishes return under sub-rule (3) of rule 19, and
(ii) In Form 205B alongwith the information in respect of inventories in Form 201C in case of a registered dealer other than referred to in clause (i) above.

Provided that the Commissioner may, in the public interest and on such terms and conditions as may be specified, further extend the date not exceeding ¹²¹[**three month**] of furnishing such return.

(5) Every registered dealer, in whose case the amount of tax credit is carried forward for more than rupees five lakh on 30th June, 2017, shall get the books of accounts related to the final return referred to in sub-rule (4), duly audited by Chartered Accountant or Cost Accountant and furnish, by way of uploading on the website, a certificate in Form 217A duly signed by him within seven months from 1st July, 2017.

Provided that the Commissioner may, in the public interest and on such terms and conditions as may be specified, further extend the date not exceeding ¹²²[**three month**] of furnishing such certificate.]

117. After rule 44(2), sun-rule (3) shall be inserted by Notification No.ΛGHN-33/VAR-2007(12)/ TH Dt. 30/8/2007.

118. In rule 44(3), after the words "rupees one crore", the words "and taxable turnover exceeds rupees twenty lacs" shall be inserted by Notification No.. GHN-30/VAR-2008(17)/ TH Dt.19.5/08, w.e.f. 19/5/2008.

119. In rule 44(3), the proviso shall be inserted by Notification No.GHN-30/VAR-2008(17)/TH Dt.19/5/2008, w.e.f.19/5/2008.

120 After rule 44(3), sub-rule (4) and (5) shall be inserted byNotification No.GHN-05/VAR-2018(47)/Th Dt.19/01/2018.

121. In rule 44(4), in the proviso , for the words "one month", the words "three months" shall be substituted by Notification No.GHN-28/VAR-2018(48)/Th Dt.28/02/2018.

122. In rule 44(5), in the proviso , for the words "one month", the words "three months" shall be substituted by Notification No.GHN-28/VAR-2018(48)/Th Dt.28/02/2018.

45. Maintenance and preservation of accounts and records.

- (1) Every registered dealer and every person liable to be registered under the Act shall keep and maintain a true and correct account of his all transactions showing the goods produced, manufactured, bought, transferred, purchased or procured, imported, supplied and sold by him and the value thereof separately, together with delivery chalangans, invoices and bills. Every such dealer or person shall maintain accounts relating to purchase, sale and disposal in respect of each commodity, whether taxable or not, dealt with by him.
- (2) Every dealer shall maintain records of collection and payment of tax and the claim of tax credit during any period. Every dealer shall maintain a register of delivery chalan, tax invoice, credit note and debit note issued by him and he shall enter therein the details of tax invoices, credit notes and debit notes as prescribed in rules 42 and 43.
- (3) (a) Every dealer who is liable to pay tax under the Act, shall, except the dealer who has been granted permission to pay lump sum tax under section 14, maintain monthly stock accounts in respect of each commodity dealt with by him, and such stock account shall contain particulars of purchases or receipts, sales, deliveries and balance of stock. ¹²³[xxx]
- (b) Every dealer dealing in commodities mentioned in Schedule III shall keep and maintain daily accounts separately over and above monthly account under clause(a) in Form 213.
- (4) Every manufacturer of goods shall maintain monthly production of accounts showing quantitative details of various raw materials used in the manufacture and the quantitative details of the goods so manufactured.
- (5) Every purchasing dealer shall keep particulars of names and addresses of dealers or persons from whom he has purchased the goods and particulars of names and addresses of the dealers to whom he has sold the goods as also the complete address of the premises wherein goods transacted during the tax period are kept or stored by the dealer:
Provided that in case such goods are found either kept or stored at any place otherwise than the place referred to above, after giving an opportunity of being heard to such person under whose possession such goods are found, it shall be presumed that tax payable under the Act on such goods is attempted to evade and the assessing authority shall seize such goods and give receipt thereof to the person from whose possession or control such goods are seized:

123. In rule 45(3)(a), the portion beginning with the words "Every dealer who is required" and ending with the words "and warehouse" shall be deleted by Notification No.GHN-55/VAR-2006(3)/TH Dt.3/5/2006.w.e.f.1/4/2006 || Earlier these portion - "Every dealer who is required to maintain stock account shall maintain subsidiary accounts for each place of his business, godown and warehouse."

Provided further that the assessing authority may release the goods on furnishing security in the manner referred to in rule 12 of the amount equivalent to fair market price of such goods seized.

- (6) Every dealer shall keep the records and particulars of the goods which are disposed of without any consideration.
- (7) Every **commission agent, broker, del credere agent, auctioneer or any mercantile agent** shall maintain accounts showing,-
 - (a) particulars of authorization given to him by each principal to purchase or sell goods on behalf of such principal separately;
 - (b) particulars of goods purchased or goods received for sale on behalf of each principal each day;
 - (c) particulars of purchases or sales effected on behalf of each principal;
 - (d) details of accounts furnished to each principal;
 - (e) details of transactions referred to in rule 17;
 - (f) tax paid on purchases or on sales effected on behalf of each principal and the chalan number and date of remittance of the tax into the Government Treasury.
- (8) Every dealer or person executing **works contract** shall keep separate account showing,-
 - (a) the particulars of names and addresses of the persons for whom and on whose behalf he carried on the execution of works contract;
 - (b) the particulars of goods procured by way of purchases or otherwise for the execution of works contract;
 - (c) the particulars of goods to be utilized in execution of each works contract,
 - (d) the details of payment received in respect of each works contract, and
 - (e) the particulars of charges towards labour service and other like charges which are deductible under sub-clause (c) of clause (30) of section 2:

Provided that such amount shall be reasonable with regards to the nature of the respective works contract.

- (9) Every dealer or person engaged in the transfer of right to use any goods shall keep -
 - (a) particulars of names and addresses of the persons to whom he has delivered the goods for use,
 - (b) details of amounts received in respect of each transaction, and
 - (c) monthly stock accounts in respect of each commodity dealt with by him and such stock account shall contain particulars of purchases or receipts, deliveries and balance of stock.

- (10) Every dealer or person liable under the Act shall keep books of accounts at the place or places of business mentioned in the certificate of registration and every purchase and sale shall be brought to account as soon as possible the purchase or sale is effected.
- (11) All the registers, accounts and documents maintained by such dealer or person shall be sequentially numbered, and where the registers and other documents are maintained by means of a computer or any other device, the dealer shall maintain hard copies of such registers and other documents on a monthly basis.
- (12) Any entry in such registers, accounts and documents shall not be erased, effected or overwritten, and all incorrect entries shall be scored out under attestation and correct entry be recorded. Where the registers, accounts and documents are maintained by means of computer or any other device, the dealer shall also maintain hard copies of correction or change of any entry.
- (13) Accounts maintained by dealers together with all invoices, bills, declarations, waybills and delivery notes relating to stocks, deliveries, purchase and sales shall be preserved for the period of ¹²⁴**six years]** from the end of the year to which such accounts and records relate and shall be kept at the place of business mentioned in the certificate of registration.
- (14) Any person either in capacity as carrier or clearing forwarding agent holds in custody for delivery or dispatch any goods on behalf of any dealer shall maintain true, complete and correct records in respect of the goods handled by him on behalf of the dealer and shall produce or cause to be produced the details thereof as required by the Commissioner.

46. Payment of penalty.

- (1) A notice for penalty under this Act or rules shall be in **Form 309**.
- (2) A dealer required to pay penalty under the Act shall pay such amount within thirty days of receipt of the order imposing the penalty.

47. Auction of goods under sections 68 and 70A.

- (1) Where the Commissioner decides to auction the goods under sub-section (7) of section 68 or sub-section (8) of section 70A, the auction shall be made in the following manner, namely:-
 - (a) where the purchase bills relating to goods are not available, the sale price of such goods shall be determined on basis of the fair market price of the like goods at a relevant time;

124. In rule 45(13), for the words "eight years", the words "six years" shall be substituted by Notification No.GHN-18/VAR-2007(10)/TH Dt.22/5/2007.

- (b) the Commissioner shall inform the date and place of auction to the person from whose possession the goods have been acquired.
- (2) When the Commissioner decides to auction the goods, he shall issue a proclamation for public auction for sale of such goods for cash on delivery fixing a date, not earlier than one week from the date of issue of such proclamation for sale, and in such proclamation, the time and place of sale and description of the goods for sale shall be mentioned.
- (3) The proclamation for public auction referred to in sub-rule (2) shall be published in two local leading newspapers, and a copy of such proclamation shall be,-
- (a) displayed for public view at the place where the sale in auction is to take place; and
- (b) forwarded to the dealer or person from whom such goods have been seized under section 68 or 70A or owner of such goods if his address is available, or to the person who subsequently claims ownership of authority of possession, where his address is available in the seizure records.
- (4) The proceeds of sales of the seized goods shall, within three working days from the date of sale in auction be deposited into the appropriate Government Treasury situated within the jurisdiction of the authority who has seized the goods.
- (5) Where any owner of the goods, sold in public auction or the person from whom such goods have been seized, claims the balance of the proceeds of sale made in such auction, he shall, within two working days from the date of auction, shall make an application to the Commissioner for the payment of such balance of the proceeds of sale. The Commissioner shall hold an inquiry with respect to such application and may decide to pay the remaining proceeds to the applicant. The Commissioner, while holding an inquiry in this respect shall consider and record all the aspects of the case and pass an order as he deems fit:

Provided that if a dealer or a person or the owner of the goods so seized appears before the Commissioner on any day not later the day of auction and pay total amount so demanded including tax, interest and penalty, the Commissioner may release the goods so seized after recovering all the expenses including other incidental expenses such as storage charges etc. incurred for auction of sale of goods.

48. Notice for production of accounts, documents, etc.

Where the Commissioner requires any dealer to produce any accounts or documents or to furnish any information under section 67, 70 or 70A, he shall issue a notice thereof, in **Form 401**.

49. Notice of Inspection.

Unless to make surprise visit, the Commissioner shall give a notice in writing to the dealer of his intention to inspect the accounts, registers, documents or stocks of goods and in specifying therein the date, time and place for the purpose he shall, as far as possible, have due regard to the convenience of the dealer.

50. Retention of books of accounts registers and documents seized.

If the Commissioner or the officer who has been delegated the powers of the Commissioner under section 67 or 70A, seizes any books of accounts, registers or documents or any material of any dealer under section 67 or 70A, he shall not retain them for more than twenty-one days without recording his reasons in writing for doing so:

Provided that where an officer below the rank of Joint Commissioner seizes any books, registers or documents or any material by virtue of delegation of powers of the Commissioner under section 67 or 70A, he shall not retain them or cause them to be retained for a period exceeding six months unless an officer not below the rank of a Joint Commissioner having jurisdiction over the local area in which the place of business of the dealer is situated, has, for reasons to be recorded in writing, authorized the retention of the books, registers, documents or any material so seized, for a longer period.

CHEPTER - VII
ADMINISTRATION OF CHECK-POST ETC.

51. Declaration and procedure under sub-section (3) of section 68.

(1) (a) Every movement of goods going outside the State shall be accompanied by **Form 402** ¹²⁵**[or Form 402A.]**

(b) In the case of movement of goods going out side the State for the goods specified by the Commissioner, Form 402 ¹²⁵**[or Form 402A]** in a book of twenty-five leaves shall be obtained from the registering authority duly authenticated by a payment of a fee of rupees twenty-five in court fees stamp.

¹²⁶**[Provided** that where the dealer makes an online application to obtain Form 402, the Commissioner may exempt the dealer from the payment of such fees.]

¹²⁷**[Provided further** that in case of the goods returned to the dealer outside the State which were brought earlier within the State by means of a web based software application, and a communication device, or by means of telshopping platform, shall be accompanied by Form 402A.;

Provided also that a payment of a fee of rupees ten in court fee stamp shall be made per Form 402 obtained which is cancelled subsequently.]

(2) (a) Every movement within the State for the goods specified by the Commissioner shall be accompanied by Form 402.

(b) In the case of movement of goods within the State for the goods specified by the Commissioner, Form 402 in a book of twenty-five leaves shall be obtained from the registering authority duly authenticated by a payment of a fee of rupees twenty-five in court fees stamp.

¹²⁸**[Provided** that where the dealer makes an online application to obtain Form 402, the Commissioner may exempt the dealer from the payment of such fees.]

(3) The authority issuing such forms may require the person applying for the forms to furnish the accounts of the forms issued earlier and also to satisfy the authority of the tax payable on the transactions relating to the forms used.

125. In rule 51, In clauses (a) and (b), after the words "Form 402", whenever they occur, the words "or Form 402A" shall be inserted by Notification No.GHN-59/VAR-2016(40)/TH Dt. 15/10/2016.

126. In rule 51(1)(b), the proviso shall be inserted by Notification No.GHN-33/ VAR-2007(12)/TH Dt.30/8/2007.

127. In rule 51(1)(b), after the first proviso, the provisos shall be added by Notification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

128. In rule 51(2)(b), the proviso shall be inserted by Notification No.GHN-33/ VAR-2007(12)/TH Dt.30/8/2007.

- (4) (a) Form 402 ¹²⁹**[or Form 402A]** shall be duly filled in triplicate by the consignor;
- (b) ‘Triplicate’ copy of Form 402 ¹²⁹**[or Form 402A]** shall be retained by the consignor and ‘Original’ and ‘Duplicate’ copies shall be carried along with the vehicle in which the goods are moving;
- (c) During the movement of the goods if any of the designated check-post or barrier is encountered, the ‘Original’ and ‘Duplicate’ of the Form 402 shall be got endorsed by the Officer-in-charge of such check-post or barrier and ‘original’ shall be deposited with such officer:
- Provided that* during such movement, no check-post or barrier is encountered, the ‘Original’ form shall be handed over to the person to whom delivery of the goods is to be made;
- (d) The ‘Duplicate’ of the Form 402 ¹²⁹**[or Form 402A]** shall be kept by the carrier of the vehicle throughout its journey in the State.
- (5) The carrier of the goods while entering into the State shall carry **Form 403** ¹³⁰**[or Form 403A]** as provided in sub-rule(6).
- (6) (a) The carrier of the goods, other than the goods specified by the Commissioner from time to time by a public circular, on his entry into the State, shall carry Form 403 in triplicate;
- (b) In case of movement of such goods as specified by the Commissioner by a public circular, the movement shall be accompanied by **Form 403** ¹³¹**[or Form 403A]** obtained in triplicate duly authenticated from the registering authority in whose jurisdiction the dealer is registered or by the person or a dealer importing such goods or as the case may be, such goods being dispatched to him from outside the State.
- ¹³²**[Provided that** in case of the goods brought within the State, by means of a web based software application, and a communication device, or by means of teleshopping platform, the carrier shall carry Form 403A in triplicate.]
- (c) The Form 403 ¹³¹**[or Form 403A]** shall be duly and completely filled by the carrier and original of Form 403 ¹³¹**[or Form 403A]** along with copies of documents referred to in sub-section (3) of section 68 shall be deposited with such Officer in—charge of the check-post or barrier and receipt thereto shall be obtained on the ‘Duplicate’ and ‘Triplicate’ copies of the Form 403.

129. In rule 51(4), in clause (a), (b) and (d).after the words and figures “Form 402”, whenever they occur, the words “or Form 402A” shall be inserted by Notiification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

130. In rule 51(5), after the words and figures “Form 402”, the words “or Form 402A” shall be inserted by Notiification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

131. In rule 51(6), in clause (b),(c), (d) and (e),after the words and figures “Form 402”, whenever they occur, the words “or Form 402A” shall be inserted by Notiification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

132. In rule 51(6), In cluase (b), the proviso shall be added by Notiification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

- (d) During the movement till the vehicle reaches its destination, if any check-post or barrier intervenes, 'Duplicate' and 'Triplicate' of Form 403 ¹³¹[or **Form 403A**] held by the carrier shall be got endorsed by the in-charge of each of such check-posts or barriers.
- (e) The 'Duplicate' of Form 403 ¹³¹[or **Form 403A**] shall be forwarded to the consignee of the goods and 'Triplicate' of Form 403 shall be retained by the carrier.
¹³³[**Provided** that a payment of a fee of rupees ten in court fee stamp shall be made per Form 403 or, as the case may be, Form 403A obtained which is cancelled subsequently.]

52. Procedure for transit pass.

- (1) The driver or the person in-charge of the goods vehicle shall, in order to obtain a transit pass under sub-section (1) of section 69, submit an application in triplicate, in **Form 404** to the officer-in-charge of the check-post or barrier, if any, established near the point of entry into the State or on the first check-post or barrier, after his entry into the State (hereinafter referred to as the 'entry check-post') or to any other officer empowered by the Commissioner in this behalf.
- (2) The officer-in-charge of the entry check-post or such officer empowered shall, after examining the document and making such inquiries and after inspecting consignments and goods as he may deem necessary, issue a transit pass in triplicate, in Form 405. The duplicate and triplicate copies of the transit-pass shall be delivered to the applicant and the original shall be kept by the officer receiving such application. The transit pass shall specify the check-post or the barrier (hereinafter referred to as "the exit check-post") of the State to be crossed by the vehicle, the route to be followed and the date and time up to which it would be so crossed.
¹³⁴[**Provided** that a payment of a fee of rupees ten in court fee stamp shall be made per Form 405 obtained online which is cancelled subsequently.]
- (3) (a) If for any reason, the vehicle after its entry into the State is not able to move out of the State within the stipulated time, the driver or the person-in-charge of the goods being transported in the vehicle shall, seek extension of time from:-
 - (i) the officer who has issued the transit pass; or
 - (ii) any other officer empowered to issue the transit pass in respect of the concerned entry check-post; or

133. In rule 51(6), In clause (e), the proviso shall be added by Notification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

134. In rule 52(2), the proviso shall be added by Notification No.GHN-59/VAR-2016(40)/TH Dt.15/10/2016.

- (iii) an Officer of the area specified by the Commissioner through a public circular where the vehicle is stationed at the time of seeking extension of time.
- (b) The officer specified in clause (a) shall, after examining the reasons for delay and after such inquiry as he deems fit, extend the time of exit by suitably amending the transit pass.
- (4) The driver or the person-in-charge of the goods vehicle shall surrender the duplicate copy of transit pass at the specified exit check-post and allow the officer-in-charge of the check-post to inspect the documents, consignments and goods in order to ensure that the goods being taken out of the State are the same for which transit pass had been issued. The officer-in-charge of the exit check-post shall issue a receipt on the triplicate copy of the transit pass for the duplicate copy surrendered by the driver or the person-in-charge of the goods vehicle.
- (5) The officer-in-charge of the exit check-post may, for the purpose of sub-rule (4), detain, unload and search the contents of the vehicle.
- (6) The driver or the person in charge of such vehicle, boat or animal shall carry with him such transit pass throughout the State and if he fails to carry with him such transit pass throughout the State he shall be liable to pay penalty as referred to in sub-section (1A) of section 69.

53. Security for release of goods, vehicle or documents.

A dealer required to furnish the security under sub-clause (b) of sub-section (5) of section 68 shall deposit Government Securities in the form of Stock Certificates or Government Promissory Notes of a market value not less than the sum determined by the Commissioner or National Savings Certificates, National Plan Certificates, National Plan Saving Certificates, Bank guarantee as acceptable to the Commissioner or Treasury Savings Deposit Certificates of a face value not less than the said sum, duly endorsed in favour of the Commissioner or furnish to the Commissioner the guarantee of a bank approved by the Government, agreeing to pay the Commissioner on demand not less than the sum determined by the Commissioner.

CHAPTER - IX
APPEALS AND REVISIONS

54. Submission of appeal or application for revision.

- (1) Every first appeal or second appeal and every application for revision shall,-
 - (a) be in writing;
 - (b) specify the name and address of the appellant or applicant along with the registration certificate number;
 - (c) specify the date of the order against which it is made;
 - (d) specify reasons if appeal or application for revision is not made within the time allowed;
 - (e) specify the date and the amount of payment of tax, interest and penalty, if the subject matter of the appeal or revision is assessment, re-assessment or levy of penalty or interest;
 - (f) contain a clear statement of facts;
 - (g) state precisely and in brief the relief prayed for; and
 - (h) be signed and verified by the appellant or the applicant or by a legal practitioner engaged by him or by an agent duly authorized by him in writing in that behalf, in the following form, namely :-

“I, the legal practitioner engaged by / the agent appointed by / the appellant / the applicant / the named in the above memorandum of appeal/application for revision, do hereby declare that what is stated herein is true to the best of my knowledge and belief.

Signature _____
- (2) The memorandum of appeal or the application for revision shall be accompanied by either the order in original against which it is made or a duly authenticated copy thereof, unless the omission to produce such order or copy is explained at the time of the presentation of the appeal or application for revision, to the satisfaction of the appellate, or revising authority.
- (3) An appeal against an order of assessment or a second appeal against such order passed in appeal, shall as far as possible be in accordance with Form 501.
- (4) An application for revision against any order shall as far as possible be in accordance with **Form 502**.
- (5) The memorandum of an appeal or the application for revision shall either be presented by the appellant or applicant or his agent or his legal practitioner to the appellate or revising authority or be sent to the said authority by registered post.

55. Summary rejections.

- (1) If the memorandum of appeal or the application for revision omits to state any of the particulars required under sub-rule (1) of rule 54 or not accompanied by the original order against which it is made or a duly authenticated copy thereof, as laid down in sub-rule (2) of rule 54, such appeal or the application for revision may be rejected summarily:

Provided that no appeal or application for revision shall be summarily rejected under this sub-rule unless the appellant or the applicant is given reasonable opportunity to amend the memorandum of appeal.

- (2) Where the appellate authority decides to entertain appeal on the condition of payment of the amount so considered reasonable under proviso to sub-section (4) of section 73 and the dealer does not pay the amount so determined within the time specified by the appellate authority, the appeal shall be rejected summarily.

56. Hearing.

- (1) (a) If the appellate or revising authority does not summarily reject the appeal or the application for revision, it shall fix the date for hearing. The date so fixed shall not be earlier than ten days from the date on which intimation thereof is given to the appellant or the applicant or to his agent or to legal practitioner engaged by the appellant or the applicant:

Provided that the date earlier than aforesaid may be fixed for hearing if the appellant or the applicant or his agent or the legal practitioner engaged by him agrees thereto in writing, with the concurrence of the other side, if any.

- (b) The authority aforesaid may for sufficient reasons to be recorded in writing, adjourn at any stage the hearing of an appeal or application for revision to a different time on the same day or to any other day.
- (2) If on the date and at the time fixed for hearing or on any other date or at any other time to which the hearing may be adjourned, the appellant or the applicant does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or reject the application or may decide it ex-parte, as it may think fit.

¹³⁵**Provided** that the appeal or application so dismissed or as the case may be rejected, may be restored on application of the appellant or applicant as the case may be within ninety days from the

date of such decision if the appellate authority is satisfied that there were sufficient reasons for non appearance.]

57. Notice to person likely to be affected adversely.

- (1) Before an appellate or revising authority passes an order in appeal or revision which is likely to affect the appellant or applicant or any other person adversely, it shall serve on him a notice in **Form 503** and shall give him a reasonable opportunity of being heard.
- (2) Before the Commissioner including an officer below the rank of Commissioner who has been delegated the powers of the Commissioner under section 16, passes any order under clause (a) of sub-section (1) of section 75, which is likely to affect adversely to any person who is a party to such proceeding, he shall serve on such person a notice in Form 503 and shall give him a reasonable opportunity of being heard.
- (3) The notice required to be given under proviso to sub-section (1) of section 79 of the Act shall be in Form 504.

58. Fees.

- (1) The fees for appeal or revision shall be paid as under:-
 - (a) On a memorandum of appeal against an order of assessment, re-assessment or rectification. Rs. 50
 - (b) On memorandum of appeal against an order other than an order specified in (a) above Rs. 50
 - (c) On a second appeal or revision to the Tribunal Rs. 200
 - (d) On an application for determination of question under section 80. Rs. 200

(per question)
- (2) All fees payable under this rule shall be paid in court fees stamp.

59. Qualifications of tax practitioners.

- (1) A tax practitioner shall be eligible for having his name entered in the list of tax practitioners maintained under section 81, if he has -
 - (a) passed any accountancy examination recognized by the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (Act 4 of 1924), for the purpose of clause (v) of subsection (2) of section 288 of the Income Tax Act, 1961 (Act 43 of 1961) and under rule 50 of the Income Tax Rules, 1962; or
 - (b) acquired such educational qualification as prescribed by the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (Act 4 of 1924), for the purpose of clause (vi)

of sub-section (2) of section 288 of the Income Tax Act 1961 (Act 43 of 1961) and under rule 51 of the Income Tax Rules, 1962; or

- (c) held any office for a period not less than five years not below the rank of a Commercial Tax Officer in the Sales Tax Department of the Government of Gujarat and is retired or has resigned from such office:

Provided that for the first two years immediately after his retirement or resignation from the Sales Tax Department the person referred to in clause (c) shall not be qualified to practice before any tax authority except the Tribunal:

Provided further that a member of the Tribunal constituted under the earlier law or this Act shall not, for a period of five years after retirement or otherwise ceasing to be the member of the Tribunal, practice before any sales tax authority or the Tribunal.

Explanation. - A person who has been removed or dismissed from Government Service shall not be eligible for the purposes of clause (a), (b) or (c) of this sub-rule.

- (2) A tax practitioner who is eligible to appear in a proceeding under the Act before any authority appointed under section 16 shall on application made in writing to the Commissioner in Form 601 be entitled to have his name entered into the list referred to in sub-rule (3).
- (3) The Commissioner shall maintain a list of all tax practitioners in **Form 602** who are entitled to attend in a proceeding before an authority appointed under section 16 and shall, up date the list from time to time.
- (4) The tax practitioner entitled to have his name entered in the list maintained under section 81 and whose name stands entered immediately before the appointed day, in the list which was maintained by the Commissioner under rule 71 of the Gujarat Sales Tax Rules, 1970, shall be deemed to have his name duly entered on the appointed day, in the list maintained under this rule.

60. Forms of authorization under section 81.

- (1) The authorization to attend by a person being a relative or an employee under clause (a) of sub-section (1) of section 81 shall be in Form 604.

- (2) The authorization to attend by legal practitioner, chartered account, cost accountant or tax practitioner under clause (b) or (c) of sub section (1) of section 81 shall be in **Form 603**.
- (3) An authority given to an agent under the earlier rule shall continue to be valid for the purpose of appearance in proceedings in an appeal against, or an application of revision, of an order passed in the proceeding in respect of which such authority was given or in an application for reference arising out of such appeal or application for revision:

Provided that a separate authority shall be furnished for appearance in each of the proceedings under different provisions of the Act, the rules, or the notification issued by or under the Act or the earlier Law.

CHAPTER - XI SERVICE OF NOTICE

61. Notices.

- (1) The notices under the Act or under these rules shall be served by any one of the following methods, namely: -
 - (a) Delivery by hand of a copy of the notice to the addressee or to a person declared by him in **Form 106**, or to any other agent duly authorized or an Advocate or a tax practitioner holding authority to appear in the proceeding on behalf of the dealer or to a person regularly employed by him in connection with the business in respect of which he is registered as a dealer, or to any adult member of family residing with the dealer, or
 - (b) by post, or
 - (c) by courier:

Provided that if upon an attempt having been made to serve any such notice by the aforesaid method, the Commercial Tax Authority concerned has reasonable grounds to believe that the addressee is evading the service of notice or that for any other reason which in the opinion of such authority is sufficient, the notice cannot be served by any of the aforesaid methods, the authority shall, after recording the reasons therefore cause the notice to be served by affixing a copy thereof -

 - (i) if the addressee is a dealer, on some conspicuous part of the building in which the dealer's office is located, or upon some conspicuous part of the place the dealer's business or residence as last known to the said authority, or
 - (ii) If the addressee is not a dealer, on some conspicuous part of his residence or office of the building in which his residence or office is located and such service shall be deemed to be as effected as if it had been made on addressee personally:

Provided further that when a person furnishing return referred to in rule 19, 20, 21 or 22 or the chalan referred to in rule 23 or the return and chalan both mentioned above, to the registering authority and any notice served to such person, it shall be deemed to have been served a valid notice for the purpose of this rule.
- (2) (a) When the officer serving a notice delivers or tenders a copy of the notice to the dealer or addressee personally or to his agent or

to any of the persons referred to in clause (a) of sub-rule (1), he shall obtain the signature of the person to whom the copy is so delivered or tendered as an acknowledgement of service of the original notice.

- (b) When the notice is served by affixing a copy thereof in accordance with the proviso to sub-rule (1), the officer serving it shall return the original to the tax authority which has issued the notice with a report endorsed thereon or annexed thereto, stating the circumstances under which he did so. The officer shall also record the name and address of the person, if any, whom the addressee's office or residence or the building in which his office or residence is located or his place of business was identified, and in whose presence, if any, the copy was affixed. The said officer shall also obtain the signature or thumb impression of the person, if any, identifying the addressee's residence or office or building or place of business.
- (c) When service is made by post, the service shall be deemed to be effected by properly addressing or preparing the notice and posting it by registered post with acknowledgement due, and unless the contrary is proved, the service shall be deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.

¹³⁶**(3)** Notwithstanding anything contained in this rule, any notice alongwith digital signature sent by email to the email address declared by the dealer or person shall be deemed to have been served a valid notice for the purpose of this rule where an acknowledgement is given as under :

- (a) any communication by the addressee, automated or otherwise; or
- (b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

The Commercial Tax Authority concerned shall send an intimation regarding such email on the dashboard as per the login ID of the dealer or person declared by him.]

CHAPTER- XII
COPIES OF DOCUMENTS, STATEMENTS AND ORDERS

62. Application for copies of documents.

- (1) Any person who is a party to a proceeding under the Act or under these rules may apply to the appropriate authority having jurisdiction in respect of such proceeding or having the custody of the records pertaining thereto, for a certified copy of a document or statement produced or filed in such proceeding or of an order passed by such authority.
- (2) An application made under sub-rule (1) shall be accompanied by a fee of fifty rupees in court fees stamp.

CHAPTER - XIII
OFFENCE AND COMPOSITION

63. Order accepting composition.

- (1) Where the Commissioner accepts from any person, a sum by way of composition of an offence under section 89, he shall communicate in writing in that behalf in **Form 310** specifying therein,
 - (a) the sum determined by way of composition;
 - (b) the date on or before which the sum shall be paid into the Government Treasury;
 - (c) the authority before whom and the date on or before which a receipted chalan shall be produced in proof of such payment; and
 - (d) the date on or before which the person shall report the fact to the Commissioner.
- (2) The Commissioner shall send a copy of such order to the person from whom the said sum is accepted by way of composition and also to the authority referred to in clause (c) of sub-rule (1).

64. Publication of particulars and other matters relating to dealers under section 27 or 97.

- (1) Where a dealer –
 - (i) has been found indulging into issuing tax invoice, credit-note or debit-note without entering into the transaction of sale or purchase of the goods,
 - (ii) has been found indulging into over invoicing or under invoicing of the transaction, or
 - (iii) whose registration certificate has been cancelled or suspended under Section 27 of the Act the Commissioner shall hold an inquiry and after giving an opportunity of being heard, if he comes to the conclusion that on account of any of the conducts of a dealer referred to above the revenue of the Government by way of granting tax credit to the purchaser of such dealer is adversely affected, he shall publish the name of such selling dealer on the official website.
- (2) A dealer whose name has been published under sub-rule (1) shall be referred to as the ‘listed dealer’ for the purpose of this rule.
- (3) From the date of publication of name as referred to in sub- rule (1), tax credit claimed under section 11 shall not be admissible on the transactions made from the listed dealer.
- (4) The contingencies referred to in clauses (i) to (iii) of sub-rule(1), as applicable to the dealer, in the opinion of the Commissioner does not

exist either on account of the conduct of such dealer or due to the judgment, decree of any court or an order in appeal in favour of such dealer, the Commissioner shall publish such particular of the dealer in the manner referred to in sub-rule (1) and such dealer shall be referred to as 'delisted'.

- (5) The Commissioner shall also specify the date of delisting such dealer and thereafter the transaction made by such dealer shall be eligible for tax credit subject to provisions of section 11 and rules made there under.

CHAPTER-XIV
TAX DEDUCTED AT SOURCE

65. Form for tax deduction at source under section 59B.

- ¹³⁷[(1) Any person deducting the amount as tax in accordance with the provisions of section 59B, shall pay such amount **within a period of twenty-two days** immediately succeeding the month during which the deduction was made, **in Form 207**, into a Government treasury.]
- (2) A certificate under clause (b) of sub-section (5) of section 59B to be given by the Commissioner shall be in **Form 701**.
- (3) Statement under clause(c) of sub-section (3) of section 59B to be furnished by the contractor or as a case may be, sub-contractor to the person responsible for paying specified sale price shall be in **Form 702**.
- ¹³⁸[(4) (i) A person deducting the amount as tax shall issue a certificate under sub-section (8) of section 59B in **Form 703**;
- (ii) A person deducting the amount as tax shall issue serially and mechanically numbered **Form 703** in duplicate. The copy marked 'original' shall be delivered to the contractor, or as the case may be, sub-contractor and the copy marked 'duplicate' shall be retained by such person;
- (iii) A person deducting the amount as tax shall maintain for each year separate account in **Form-705**, showing the amount of tax deducted, certificate of tax deduction issued, and the particulars of remittances made to the Government treasury.
- (5) Any person deducting the amount as tax in accordance with the provisions of section 59B, shall furnish a quarterly declaration in **Form-704 within thirty days from the end of the quarter ending on 30th June, 30th September, 31st December and 31st March** on the website of the department.]
- (6) Every payment of tax deducted at source under section 59B shall be accompanied by a chalan in **Form 207**.
- (7) The provisions of rules 19 and 26 shall mutatis mutandis apply to the payment and the declaration made under this rule.

137. In rule 65, sub-rule (1) shall be substituted by Notification No.GHN-36/VAR-2009(24)/TH Dt.24/12/2009, w.e.f. 24/12/2009.

Earlier sub-rule65(1): (1) Any person deducting the amount as tax in accordance with the provisions of section 59B of the Act, pay such amount within twenty-two days in Form 207 into a Government Treasury.

138. In rule 65, for sub-rule (4) and (5) shall be substituted by Notification No.GHN-36/ VAR-2009(24)/TH Dt.24/12/2009, w.e.f. 24/12/2009.

Earlier sub-rule 65(4) and 65(5):(4) A certificate under sub-section (8) of section 59B to be given by a person deducting the amount as tax shall be in Form 703. (5) Subject to the provision of sections 59A and 59B, any person responsible for paying specified sale price to a contractor for carrying out any work in pursuance of a specified work contract, deducting tax on specified sales, shall furnish yearly declaration in Form 704 on or before 30th June after the end of every financial year duly signed by him or by a person authorized by him, to the Commercial Tax Officer within whose jurisdiction his place or places of business is situated.

¹³⁹ **65A. Registration and Cancellation of Tax Deduction Account Number.**

- (1) Every person responsible for making deduction of tax under clause (a) or (b) of sub-section (3) of section 59B shall apply on the website of the department for allotment of Tax Deduction Account Number in Form-706 within thirty days-
 - (a) from the date of commencement of this rule, if he was so liable on such date, and
 - (b) from the date of entering into any agreement relating to the execution of works contract if he is likely to be liable for such deduction after the date of commencement of this rule.
- (2) A copy of such online application shall be submitted separately to the Commissioner within seven days from the date of applying on the website of the department alongwith the following documents in case of a person other than a registered dealer under the Act or an officer of the State Government or Central Government or Local Self Government Body,-
 - (a) document regarding proof of place of business;
 - (b) proof of domicile;
 - (c) the name, designation and specimen signature of the person/s authorised to sign any forms prescribed or appended to any notification, and
 - (d) such other documents as may be specified in this behalf by the Commissioner by way of public circular.

Provided that in case a registered dealer under the Act or an Officer of the State Government or Central Government or Local Self Government Body, the documents as may be specified in this behalf by the Commissioner by way of public circular shall be submitted alongwith the application.
- (3) The Commissioner shall issue a certificate of Tax Deduction Account Number in Form-707 if the application is found in order.
- (4) Any person who ceases to be responsible for making deduction of tax under clause (a) or (b) of sub-section (3) of section 59B and elects not to have Tax Deduction Account Number shall apply on the website of the department for cancellation of the Tax Deduction Account Number, in Form-708.
- (5) The Commissioner may cancel the Tax Deduction Account Number with effect from such date as he deems fit either on application for cancellation of Tax Deduction Account Number made by the person or on his own motion, after giving an opportunity of being heard.]

CHAPTER - XV
OFFENCE AND PENALTY

66. Offence and penalty for breach of rules.

A breach of any of these rules by a dealer or person shall be an offence under this rule and the same shall be punishable with fine which may extend to one thousand rupees and, when the offence is continuing one, with a daily fine not exceeding fifty rupees during the continuance of the offence

CHAPTER - XVI
MISCELLINEOUS

67. Obtaining the forms from website or private publication.

Save as otherwise provided in these rules, any of the forms prescribed under these rules required to be submitted or furnished by the dealer or a person, may be downloaded from the website or may be obtained from private publication if such form is in conformity with the form prescribed under these rules.