8th floor, Vikrikar Bhavan,
Mazgaon, Mumbai-400010.

TRADE CIRCULAR

To

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No.VAT /AMD-2011/1B/Adm-6 Mumbai, Dt. 24/04/2012
Trade Cir. No. 7 T of 2012

Sub : Clarification with regards to submission of annexures by the dealers who are not required to file Audit Report in Form 704.

Ref. : 1. Notification No. VAT-1511/CR-138/Taxation-1 dated 5th December 2011.
2. Notification No. VAT-AMD-2011/IB/Adm-6, Mumbai dated 4th February 2012.
3. Trade Circular No. 3T of 2012 dated 27th February 2012.

Gentlemen/Sir/Madam,

This office is in receipt of various representations from the Trade and Associations. These representations with other queries also seek clarification with regards to the submission of Annexures by dealers covered under composition scheme in terms of Notification cited at Ref. 1 and 2 above. The issues have been examined.

2. The Trade Circular 3T of 2012 cited at Ref.-3 above was issued to explain the amendments made to rule 17 and rule 18 as also procedure to be followed for filling and uploading of Annexures J1 and J2 and also other requisite annexures. In order to address the issues raised by the Trade and Associations the instructions under aforesaid Trade Circular are modified as under:-

- **ISSUE:-(1):-Filing of returns and annexures by deemed dealers covered under rule 17(4)(a)(ii) [please see Explanation to section 2(8):-**
  - **(a)** The rule 17(4)(a)(ii) of MVAT Rules, 2005 deals with filing of returns by the deemed dealers whose tax liability for the previous year was Rs. one crore or less. These categories of dealers were required to file an annual return. **However, due to amendment to aforesaid clause these dealers will now be required to file Six-monthly return.**
  - **(b)** Further, a proviso is added, as a result of which, the dealers covered under this sub-clause will be required to submit details of

sales and purchases in annexure **J1 and J2, respectively and details of TDS Certificate received and TDS certificate issued in annexure C and D, respectively.**

- **ISSUE:-(2):-Filing of returns and annexures by deemed dealers NOT covered under rule 17(4)(a)(ii) [please see Explanation to section 2(8)]:-** Deemed dealers whose tax liability during the previous year was more than Rs. one crore and **who are not required to file Audit Report in Form-704**, shall submit the Annexure-G, H, I, J1 and J2. The due date for submission of return for the month of March-2012 along with annexures shall be 30th June 2012. However, for tax payment there is no change in the due date i.e. it continues to be 21st April 2012.

- **ISSUE:-(3): Whether the dealers who have opted for composition scheme as envisaged under sub-sections (1), (2), (3), (3A) and (4) of section 42 (not required to file Audit Report in Form-704) will be required to submit annexures i.e. C, D. G, H, I, J1, and J2:-**

  (a) Composition dealers not required to file Annexures.

  (Retailers, Bakers, Second-hand Motor vehicles, Restaurants and Developers)

  (i) Due to addition of second proviso to rule 17(4), the category of the dealers covered under composition, namely, Retailers, Bakers, Second-hand Motor vehicles, Restaurants and Developers (who have opted for 1% composition) and who are not liable to submit Audit Report in Form-704 shall NOT be required to submit any annexure.

  (ii) For Retailers and other composition dealers who are liable to file six-monthly returns, the due date for filing returns and tax payments will remain 30th April 2012, for the period ending March-2012. For other composition dealers, who are liable to file Monthly or Quarterly returns, the due date for filing returns and tax payments thereof will remain unchanged i.e. 21st April 2012.

  (b) Composition dealers required to file Annexures.

  (Works Contractors and Mandap Decorators).

  (i) Dealers executing works contract and Mandap Decorators covered under composition scheme under section 42(3) and 42(4), respectively, who are not liable to submit Audit report in Form-704 shall, submit the details of sales and purchases in annexure J1 and J2, respectively and other details in annexure G, H, and I.

(ii) The works contractors and mandap decorators shall submit returns along with applicable annexures on or before 30th June 2012. Out of these, dealers who are liable to file Monthly or Quarterly returns, shall make tax payments on or before 21st April 2012 and those liable to file six-monthly returns, shall make tax payments on or before 30th April 2012.

Due Date for filing of returns along with annexures and Tax payments by the dealers <u>who are not liable to submit Audit Report in Form-704</u>:-

Sr. No.	**Category of dealers**	**Requisite annexures**	**Due date**	
			for submission of Annexures and Returns.	**for payment**
1.	(a) Deemed dealers whose tax liability during the **<u>previous year is Rs. One Crore or less</u>**.	C, D, J1 and J2	**30th June 2012.**$ (With the six-monthly return for period 1st October-2011 to March 2012).	30th April 2012.
	(b) Deemed dealers whose tax liability is more than one crore and	G, H, I J1 and J2	**30th June 2012**$ (Along with the monthly return for March 2012)	21st April 2012
2.	Dealers covered under composition scheme for works contractor as envisaged under sub-section (3) of section 42	G, H, I, J1 and J2.	**30th June 2012.**$ (Along with the return for the period ending March 2012)	For Dealer liable to file- (a) Six-monthly return: 30th April 2012. (b) Quarterly or Monthly return:21st April 2012
3.	Dealers required to file monthly, Quarterly, Six-monthly returns and Mandap Decorators but excluding those covered at Sr. No. 2 and 4.	G, H, I, J1 and J2	**30th June 2012.**$ (Along with the return for the period ending March 2012)	For Dealer liable to file- (a) Six-monthly return: 30th April 2012. (b) Quarterly or Monthly return: 21st April 2012.

Sr. No.	Category of dealers	Requisite annexures	Due date	
			for submission of Annexures and Returns.	for payment
4.	Dealers covered under composition scheme as envisaged under sub-sections (1), (2) and (3A) of section 42	**Not required to submit any annexure**	**No change in due date.** For retailer- 30th April 2012.$ For Baker, Restaurant, Second Hand Motor Vehicle Dealers, Developers (who have opted for 1% Composition) If monthly or quarterly then 21st April 2012 and if Six-monthly then , 30th April 2012.	**No change in due date.** For composition dealer liable to file - (a) Six-monthly return 30th April 2012. (b) Quarterly or monthly return 21st April 2012.

$: Indicates, if dealer make due payment as per return within prescribed time then, said dealer will get 10 additional days for submission of the return.

3. As result other instructions issued vide Trade Circular 3T of 2012 dated 27th February 2012 remain unchanged.

4. This circular cannot be made use of for legal interpretation of provisions of law, as it is clarificatory in nature. If any member of trade has any doubt, he may refer the matter to this office for further clarification.

5. You are requested to bring the contents of this circular to the notice of all the members of your association.

Yours faithfully,

(Sanjay Bhatia)
Commissioner of Sales Tax,
Maharashtra State, Mumbai.

No.VAT /AMD-2011/1B/Adm-6
Trade Cir. No. 7 T of 2012

Mumbai, Dt. 24/04/2012

1. Copy forwarded To:
   a. Special Commissioner of Sales Tax, Maharashtra State.
   b. Special Inspector General of Police, (Vigilance), Maharashtra State.
   c. All the Addl. Commissioners of Sales Tax in the State.
   d. All the Joint Commissioners of Sales Tax in the State.
   e. The Joint Commissioner of Sales Tax (Mahavikas) with the request to upload this Trade Circular on the Departments web-site.
   f. All the Sr. Dy. Commissioners of Sales Tax in the State.
   g. All the Dy. Commissioners of Sales Tax in the State.
   h. All the Asstt. Commissioners of Sales Tax in the State.
   i. All the Sales Tax Officers in the State.

2. Copy forwarded with compliments for information to:
   a. The Deputy Secretary, Finance Department, Mantralaya, Mumbai.
   b. The Under Secretary, Finance Department, Mantralaya, Mumbai.
   c. The Accounts Officer, Sales Tax Revenue Audit, Mumbai and Nagpur.
3. Copy to all the Desks and Desk Officers in the office of the Commissioner of Sales Tax, Maharashtra State, Mumbai.

(G.B. Indurkar)
Joint Commissioner of Sales Tax,
(HQ)1, Maharashtra State, Mumbai.