27TH ISSUE

AUGUST 2ND - AUGUST 8TH

GST

CENTRAL EXCISE

SERVICE TAX

CUSTOMS

STATE TAXES

TAX CONNECT

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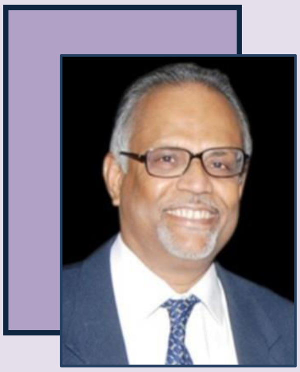
EDITORIAL



Friends,

The long wait for ITR Form Nos 3,4,5,6&7 is over. The dept has finally released the same. The excel utility shall also be available in a few days.

We shall be covering an analysis on all ITR Form Filing in our Workshop on 7th August in detail. We shall also be covering all recent developments in GST, Service Tax &VAT. The Hon'ble JCCT of WB VAT Dept shall also be delivering a lecture on WB Commercial taxes. The details of the workshop is on the next page. Please do feel free to contact us in this regard.

Kolkata ITAT has upheld CIT's revisionary order u/s 263 in bunch of appeals relating to issuing of shares at huge premiums. It has distinguished the assessee's reliance on SC ruling in the case of Lovely Exports Pvt. Ltd. Hence now we all have to wait and watch the fate of these appeals in the High Court. A lot is at stake, aleast in Kolkata, in these cases as well as the huge add backs in capital raising cases in March 2015.

On the GST front, The Union Cabinet has approved the Contitution amendment Bill on GST. One of the key changes approved is a full 5 year compensation to states for a possible loss of revenue due to GST. The details of the 1% tax over and above the GST rates to compensate the manufacturing states for a possible loss of revenue shall be finalised while framing the rules. One can only hope that after this there can be a discussion in Rajya Sabha to get the bill passed.

Further the Rajya Sabha Select Panel on GST has in its report suggested that the rate of GST should not be above 20%

On the West Bengal Commercial Taxes front, the due date of filing of returns has been extended till 20th August 2015. **Just for the information of dealers who have crossed a turnover of Rs.2 crore in the year 2014-15, now filing the retuns with a DSC is mandatory for you.**

May we reiterate that we remain available for a discussion over mail or over a telecon 24 X 7.

Truly Yours

Timir Baran Chatterjee
M.Com, FCS, MBA (International Business)-IIFT, ACMA

Vivek Jalan
FCA, CIDT (ICAI), B. Com

DUE DATE	COMPLIANCES FROM 2ND AUGUST, 2015 TO 8TH AUGUST, 2015	STATUTE
6th August, 2015	Payment of Excise Duty for All Assessees (including SSI units)	Central ExciseAct
6th August 2015	Service Tax Payment for July, 2015 (Companies)	Service Tax Rules
7th August 2015	STDS Payment for July, 2015	Assam VAT Act, Tripura VAT Act, Manipur VAT Act
7th August 2015	Deposit of STDS deducted as on 31st July, 2015	Odisha VAT Act
7th August 2015	TDS & TCS Payment for July,2015	Income Tax Act
7th August 2015	Form 15G / 15H submission received in July, 2015	Income Tax Act
8th August 2015	Deposit of STDS deducted on 1st August , 2015	Odisha VAT Act

INDEX GUIDE

WORKSHOP ON INDIRECT TAX AND DIRECT TAX

[GST, SERVICE TAX, VAT, FTP & INCOME TAX]

01.30 p.m. onwards, 7th August, 2015
The Bengal Chamber of Commerce and Industry
Williamson Magor Hall
Royal Exchange, 6, Netaji Subhas Road, Kolkata 700001

"TAX CONNECT" is organizing a Workshop on Indirect Tax & Direct Tax in the Bengal Chamber of Commerce and Industry from 01.30 p.m. onwards on 7th August, 2015.

The Workshop will cover important topics/issues of **Goods & Service Tax [GST], Service Tax, Value Added Tax [VAT], Foreign Trade Policy [FTP] AND Income Tax.** The programme schedule with names of speakers is enclosed for your kind reference.

We do hope that the programme will be relevant to you. You may please also nominate suitable representatives to attend the programme. For the purposes of registration, please email the enclosed Ready Reply Form, suitably filled in, to p6.javaa@gmail.com.

(For Further information in this regard, please contact Mr. Preetam Das, Tel – 8583956772)

The overheads per participant are Rs.500/-.

Following is the Tentative Programme:

TIMING	EVENT	CONDUCTED BY
01.30 p.m. – 02.00 p.m.	**Registration**	
02.00 p.m. – 02.15 p.m.	**Welcome & Keynote Address**	**TAX CONNECT**
02.15 p.m. – 02.55 p.m.	**Technical Session I:** **Goods & Service Tax [GST]**	**Mr. T B Chatterjee,** Chairperson, Indirect Taxes Committee The Bengal Chamber of Commerce and Industry & Chief Corporate Officer, Legal and Corporate Affairs, DIC India Ltd
03.00 P.m. – 03.40 p.m.	**Technical Session II:** **Service Tax**	**Mr. Vivek Jalan,** FCA, CIDT [ICAI], Member, Indirect Taxes Committee, The Bengal Chamber of Commerce and Industry JAV & Associates, Chartered Accountants
03.45 p.m. – 04.25 p.m.	**Technical Session III:** **Income Tax Returns**	**Mr. Sanjay Bhattacharya, FCA**
04.30 p.m. – 05.10 p.m.	**Technical Session IV:** **Foreign Trade Policy [FTP]**	**Mr. T B Chatterjee, Chairperson, Indirect Taxes Committee The Bengal Chamber of Commerce and Industry & Chief Corporate Officer, Legal and Corporate Affairs, DIC India Ltd**
05.15 p.m. – 05.55 p.m.	**Technical Session V:** **Value Added Tax [VAT]**	**Sri Khalid Anwar** **Joint Commissioner, West Bengal Commercial Taxes**

Tea/Coffee

GOODS & SERVICE TAX

GST BILL REWORKED AND GOOD TO GO

The Union Government should be able to pass the GST Bill in this session of Parliament if it comes to working as the GST Committee has ironed out every difference in the GST Bill.

According to **Nirmala Sitharaman, the Hon'ble Union Minister of State for Commerce and Industry**, the GST bill itself, prior to the GST Bill per se needs a constitution amendment. Therefore the first step is constitution amendment and then the Bill & after this, the rules would be laid, for which the differences has to be resolved. The Government is ready to discuss issues in the Parliament, but due to detterence from the opposition the proper conduct of parliament gets hindered, as the Hon'ble Minster informed.

The **International Business Conference of Nagarathars (IBCN) 2015** organised by Nagarathar Entrepreneurs Union had taken place in Coimbatore on 26th July, where discussions regarding Free Trade Agreements with Australia, Canada and the EU including Eurasian countries which have not come within the ambit of free trade yet, but prior to free trade.

As informed by the Hon'ble Minister, a group has been formed to assess how best India can go with Latin American countries, particularly Peru. The discussions on RCEP (Regional Comprehensive Economic Partnership) with ASEAN are also in progress.

UNION CABINET CLEARS GST AMENDMENTS

The Union Cabinet on Wednesday approved changes suggested by a Rajya Sabha Select Committee to the Goods & Services Tax Constitution Amendment Bill, including compensating the States for five years for loss of revenue.

With this approval, the Government is all set to bring a revised Constitution Amendment Bill before the Rajya Sabha. The GST, to be rolled out from April 1, 2016, will replace all indirect taxes, including excise and sales tax, on all products, except alcohol. It has already been passed by the Lok Sabha but has been pending in the Upper House.

Besides seeking a commitment to compensate States for five years, the Rajya Sabha Select Panel, headed by the BJP's Bhupender Yadav, had suggested that the levy of 1 per cent additional tax by States should be on "all forms of supply made for a consideration".

With a wash out of the second successive week of The Parliament, the Government will call an all-party meeting on Monday in a bid to break the Parliament logjam whereby key reform bills like GST are blocked due to relentless protests.

SERVICE TAX

COURT DECISIONS

COMMISSIONER OF CENTRAL EXCISE, BHAVNAGAR VS. M/S GUJARAT MARITIME BOARD, JAFRABAD [SUPREME COURT]

BRIEF: Wharfage charges collected for use of jetty for loading & unloading of goods of an entity does not constitute service element & service tax is not leviable if the such entity is not authorized to recover such charges from others u/s 32(4) of Finance Act 1994. Further, lease rents for using waterfront does not include any service & therefore, not a "port service" .

OUR COMMENTS: In the above case, the **Hon'ble Supreme Court** held that as per the agreement between Gujarat Maritime Board (GMB) & Ultratech Cement Ltd (UCL), the board itself recovers wharfage charges from UCL (Licensee) for maintenance of the jetty(as the jetty is meant for loading & unloading goods belonging to UCL) & does not authorize UCL to recover such charges from others. Hence, no service is rendered by a port or any person authorized by such port & the very first condition of levy of service tax is absent in the present case. Further, lease rent charged for use of the waterfront (regarding direct berthing facilities for captive cargo) can not be considered as charges for "port service" as it does not include any service relating to vessel or goods. & the appeals of revenue are dismissed accordingly.**[Decided against Revenue]**

TOP SECURITY LTD VS COMMISSIONER OF CENTRAL EXCISE & SERVICE TAX [BOMBAY HIGH COURT]

BRIEF: As per the statutory mandate as long as the parliament does not intervene to take any steps to amend or clarify the legal position, the tribunal can not dismiss the appeal preferred by assessees without adjudication of merits.

OUR COMMENTS: In the above case, the **Bombay High Court** held that it is only concerned with the corectness of order passed by the tribunal, and does not require to go into the contentions of the department that belated compliance by the assessee of order of tribunal to pay the tax amount while granting a conditional stay does not mean that further recurring liability is effaced. The tribunal could not have dismissed the appeals of assessees without adjudication on merits. The appellant was facing difficulties regarding attachment of their bank accounts & they had also found that recovery from their customers was conducted by department directly. In such circumstances, without deciding the legal issue in further details, the impugned order is set aside & quashed. **[Decided in favour of assessee]**

LARSEN AND TOUBRO LTD. VS COMMISSIONER OF SERVICE TAX MUMBAI [CESTAT MUMBAI (LB)]

BRIEF: The indivisible works contract can be split up for the purpose of levy of Service Tax prior to 1.6.2007 as based on 46 th amendment of the Constitution of India in 1982 by insertion of Clause (29A) to Article 366 & after constitutional amendment in various judgments, the Hon'ble Apex Court has held that indivisible Works Contracts can be split up and part of it can be subjected to tax.

OUR COMMENTS: In the above case, the **Hon'ble CESTAT Mumbai** held that the appellant themselves were vivisecting the lump sum turnkey contracts, when the new service "installation & commissioning" was introduced in 2003 & appellants were to collect service tax under the category of "Consulting Engineering Service". Since, separate consideration for installation & commissioning service was already available in each of these contracts, and it was the dominant service in them, there was no reason whatsoever not to charge, collect and pay service tax in similar manner in respect of such service. So, this is a clear cut case of willful suppression of facts & submission of some letter/contracts in the facts of this case will not make any difference. Hence, the issue stands covered in favour of the revenue. **[Decided against the assessee]**

SAI WARDHA POWER COMPANY LIMITED FORMERLY KNOWN AS WARDHA POWER COMPANY LIMITED VS. THE UNION OF INDIA , THOURHG ITS SECRETARY, MINISTRY OF FINANCE (DEPARTMENT OF REVENUE), THE DEPUTY COMMISSIONER, CUSTOMS, CENTRAL EXCISE & SERVICE TAXTHE COMMISSIONER OF CUSTOMS, CENTRAL EXCISE & SERVICE TAX [BOMBAY HIGH COURT]

BRIEF: Authorization of the assessee (being an SEZ unit) in Form-A2 for availing Ab Initio exmption from payment of service tax cannot be denied, if such assessee submits declaration in form-A1(verified by specified officer of SEZ) along with the list of specified services and submits quarterly statement of specified services received without payment of service tax, in Form-A3 to the Superinendant of Central Excise.

OUR COMMENTS: In the above case, the **Hon'ble Bombay High Court** held that respondent no.2 was not justified in refusing authorization in Form-A2 to the assessee (being an SEZ unit) for availing '**Ab Initio Exemption'** from payment of service tax.Pursuant to the conditions of Notification No.12 of 2013 of the Act, the assessee had the option to pay service tax in advance or not to pay the same & had furnished declaration in Form-A1 (verified by specified officer of sez) along with the list of specified services, as per requirement. After the aforesaid submission was performed, the respondent No. 2 was enjoined with a duty to issue authorization in Form-A2, which the resposdent No.2 refused. As per the said notification, the assessee had submitted a quarterly statement in Form-A3, furnishing details of the specified services received by it without payment of service tax and hence, the respondent No.2 could not have refused the aforesaid authorization in Form-A2 merely on the ground that some of assessee's claims for refund had been rejected in past. Therefore, the respondent No.2 has illegally denied the benefit of Notification No.12 of 2013 of the Act & so, the impugned order is set aside. (**Decided in favour of Assessee**)

CENTRAL EXCISE

COURT DECISIONS

M/S COASTAL PAPER LTD VS COMMISSIONER OF CENTRAL EXCISE, VISAKHAPATNAM [SUPREME COURT]

BRIEF: Pulp of waste gunny bags or jute bags is not treated as 'Pulp from Rags' as it is covered under the term Non-Conventional Materials' for manufacturing of paper or paper products and thus, is eligible for the benefit of concessional rate of duty under Notification No. 22/94-CE dated 01.03.1994.

OUR COMMENTS: In the above case, the **Hon'ble Supreme Court h**eld that the approach of the tribunal that pulp of waste gunny bags/jute waste is treated as **Pulp made from the material 'rags'**and it is specifically excluded from the **Notification No 22/94-CE dated 01.03.1994**, cannot be justified. Pulp from waste of jute bags or gunny bags would not be covered by the term 'Rags' appearing in the aforesaid notification as the purpose for issuing such notification was to encourage use of non-conventional material for manufacturing paper & paper products and so, it never was the intention to exclude non-conventional material from the benefit of such notification (i.e. concessional rate of duty). According to '**Dictionary of Paper'** by American Paper and Pulp Association, 'Rag'or 'Pulp' is one which is made from cotton waste or cotton textile material, and the revenue failed to point out any technical literature where jute gunny bags comes under the category of 'Rags'. The Tribunal has simply brushed aside the aforesaid material with a mere observation that it is not relevant. Hence, the impugned decision of tribunal does not stand judicial scrutiny & warrants to be set aside. **[Decided in favour of assessee]**

CHACKOLAS SPINNING AND WEAVING MILLS LTD VS COMMISSIONER OF CENTRAL EXCISE, COCHIN [SUPREME COURT]

BRIEF: In case of valuation of captive materials, if value of comparable goods produced by assessee [pursuant to Rule 6(b)(i) of Central excise (valuaton) Rules, 1975] is not available, then valuation would be based on the profits "which the assessee would have normally earned on the sale of such goods" i.e. Notional profits [as per Rule 6(b)(ii)].

OUR COMMENTS: In the above case, the **Hon'ble Supreme Court** held that in case of valuation of Captive Consumption, under clause (i) of Rule 6(b), the value is to be based on the value of comparable goods produced or manufactured by assessee or any other assessee & as there was no such commodity available to show value of any chargeable goods, the case was covered under Rule 6(b)(ii). So, the statement of the appellant of not including Notional Profit while dealing with price of goods under Rule 6(b)(ii) cannot be accepted, since the said rule does not deal on a situation of actual profits earned, but on the basis of Notional Profits. Hence, the notional profits should have been considered & added while valuation of captive material.The department has undertaken the the right exercise & has been upheld by CESTAT. Therefore, there is no infirmity in impugned order.**[Decided against the assessee]**

SARAL WIRE CRAFT PVT LTD VS COMMISSIONER OF CUSTOMS, CENTRAL EXCISE,AND SERVICE TAX & OTHERS [SUPREME COURT]

BRIEF: As per Section 37C(a) of the Act , an order must be tendered on the concerned person or his authorized agent, in other words on no other person, to ensure efficaciousness of such order .

OUR COMMENTS: In the above case the **Hon'ble Supreme Court** held that the order had not been passed in the presence of the appellant, but served on the 'kitchen boy' (employed on daily wages) who was an unauthorized person. Further, the order, which was passed after an inordinate period of 8 months,should not have lost the sight of by the department, which led to miscarriage of justice. The departmental inspector should have meticulously obeyed the mandate of statute & tendered adjudication order either on the party (to whom it was intended) or it's authorized agent u/s 37C(a) & no one else. [**Decided in favour of the assessee**]

CUSTOMS

NOTIFICATIONS & CIRCULARS

AMENDMENT OF NOTIFICATION NO. 36/2001-CUSTOMS (N.T.) DATED 3RD AUGUST, 2001

OUR COMMENTS: The CBEC vide Notification No. **69/2015-CUSTOMS (N.T.) dated 23rd July, 2015** amended the **notification No. 36/2001-Customs (N.T.), dated the 3rd August, 2001** as follows:

In the said notification, for **TABLE-1, TABLE-2, and TABLE-3** the following Tables shall be substituted namely-

TABLE-1

Sl No	Chapter/heading/Sub-heading /tariff item	Description	Tariff Value US $ (Per MT)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	650
2	1511 90 10	RBD Palm Oil	674
3	1511 90 90	Others-Palm Oil	662
4	1511 10 00	Crude Palmolein	680
5	1511 90 20	RBD Palmolein	683
6	1511 90 90	Others- Palmolein	682
7	1507 10 00	Crude Soyabean Oil	742
8	7404 00 22	Brass Scrap(All Grades)	3488
9	1207 91 00	Poppy Seeds	1913

TABLE-2

Sl No	Chapter/heading/Sub-heading /tariff item	Description	Tariff Value (US $)
(1)	(2)	(3)	(4)
1	71 or 98	Gold in any form (for which, benefit of entries at Sl No 321 & 323 of Notification No. 12/2012-customs dt 17th March,2012 is availed)	354 per 10 Grams
2	71 or 98	Silver in any form (for which, benefit of entries at Sl No. 322 & 324 of Notification No. 12/2012-Customs dt 17th March, 2012)	498 per Kilogram

TABLE-3

Sl No	Chapter/heading/Sub-heading /tariff item	Description	Tariff Value (US $ per MT)
(1)	(2)	(3)	(4)
1	080280	Areca Nuts	2268

INCOME TAX

NOTIFICATIONS

AMENDMENT IN INCOME TAX RULES, 1962 REGARDING INCOME TAX RETURNS

The **Central Board Of Direct Taxes** in exercise of powers conferred u/s 295 of Income Tax Act 1961 (43 of 1961) has amended the **Income Tax Rules, 1962 vide Notification No. 61/2015 dated 29th July, 2015**. These rules may be called the **Income Tax (Tenth Amendment) Rules, 2015** & shall be deemed to have come into force from 1st April, 2015.

Concerned Readers are advised to refer to the aforesaid notification for details of the rule.

COURT DECISIONS

KOTTINATTU TRANSPORTS VS COMMISSIONER OF INCOME TAX, DEPUTY COMMISSIONER OF INCOME TAX (KERALA HIGH COURT)

BRIEF: If assessee is engaged in the business of hiring trucks, it comes under Clause III(3)(ii) of Appendix I to the Income Tax Rules and is entitled to depreciation allowance @ 30%, and such allowance cannot be denied merely based on TDS certificates showing nature of payment as payment to contractor.

OUR COMMENTS: In the above case, the **Hon'ble Kerala High Court** held that merely on the basis of the TDS certificate furnished by M/s KSE Ltd. and the hire charges received per metric tonne, the claim of petitioner should not have been rejected. While rejecting the petitioner's claim, the assessing authority (deputy commissioner) & the revisional authority (commissioner) referred to the contract receipt as one'for letting out lorries on hire'& thus, admitted that assessee is into the said business.Since, the petitioner was engaged in the business of hiring trucks, it comes under clause III(3)(ii) of Appendix I to the Income Tax Rules (entitled to Depreciation Allowance at the rate of 30%) & also cannot be treated as 'motor vehicles other than those used in the business of running them on hire' so as to limit the depreciation allowance to 15%. So, it is declared that assessee will get benefit of depreci ation allowance at 30%.**[Decided in favour of the assessee]**

M/S SHEKHAR RESORTS LTD & 6 OTHERS VS UNION OF INDIA & 3 OTHERS (ALLAHABAD HIGH COURT)

BRIEF: Assessment proceedings regarding search & seizure under the Act should be centralized only at places where substantial business activities take place.

OUR COMMENTS: In the above case, the **Hon'ble Allahabad High Court** held that the contention of the petitioner that all the cases should have been centralized at Delhi instead of Agra, is incorrect. As per the draft show cause notice, substantial business activities including the corporate office of the petitioners are at Agra only. Though residential premises of petitioner no 3 & 4 are at Delhi, such premises are used as registered office of petitioner no. 1& 2 & no business activitiy of substantial nature was being carried out from those premises. Hence, no prejudice was being caused to petitioners in centralizing all cases at Agra. **[Decided in favour of Revenue]**

ASSAM

RELAXATION OF CONDITIONS FOR ENTRY TAX EXEMPTION UNDER ASSAM INDUSTRIES (TAX EXEMPTION) SCHEME, 2015

OUR COMMENTS: The Office of the Commissioner of Taxes, Government of Assam vide Circular No. 10/2015 dated 22nd July, 2015 has hereby directed the assessing officers not to insist upon Eligibility Certificates (required for availing the Entry Tax Exemption) in case of import of Plant & Machineries on fulfillmenmt of other conditions i.e. registration under Assam Entry Tax Act, 2008 and provisional registrastion for industrial unit from the Industries Department.

DELHI

EXTENTION OF PERIOD FOR FILING OF ONLINE RETURN FOR 1ST QUARTER 2015-16

OUR COMMENTS: The Department of Trade and Taxes, Government of National Capital Territory of Delhi vide Circular No. 16 of 2015-16 dated 27st July, 2015 has extended the Last Date for online/hard copy return filing for **1st quarter of Year 2015-16** in **Form DVAT-16, DVAT-17 & DVAT-48** alongwith required annexure/enclosures to **4th August, 2015. However**, tax due will be paid in the usual manner under the provisions of section 3(4) of Delhi VAT Act, 2004. The dealers filing the returns through digital signature need not be required to file hard copy of return/Form DVAT-56.

GOA

EXTENSION OF DUE DATE FOR FILING OF QUARTERLY RETURNS FOR 1ST QUARTER, 2015-16

OUR COMMENTS: The Office of the Commissioner of Commercial Taxes, Government of Goa **vide order no. CCT/12-2/11-12/1762 dated 21st July, 2015, has extended the last date for filing quarterly returns for quarter ending June, 2015, as a special case, upto 28th August, 2015. All assessees registered under Goa VAT Act, 2005 other than composite dealers are accordingly required to file their quarterly returns** for 1st quarter (Apr-Jun, 2015) on or before **28th August, 2015, failing which penalty u/s 55 will apply.**

HARYANA

AMENDMENT IN HARYANA VALUE ADDED TAX RULES,2003

OUR COMMENTS: The **Excise & Taxation Department , Haryana Government** vide **Notification No. 19/ST-1/H.A.6/2003/S.60/2015 dated 23rd July, 2015** has amended the **Haryana Value Added Tax Rules, 2003**. These rules may be called **the Haryana Value Added Tax (Amendment) Rules, 2015 & shall be deemed to have come into force with effect from 17th May, 2010.**

Readers are advised to refer to the aforesaid rule as significant amendments have taken place.

HIMACHAL PRADESH

AMENDMENT IN SCHEDULE-A & B APPENDED TO THE HIMACHAL PRADESH VAT ACT

The **Excise & Taxation Department, Government of Himachal Pradesh** vide **Notification No.EXN-F(10)20/2014-Loose dated 24th June, 2015**, has made the following amendments in **Schedule-A & Schedule -B** appended to the Act w.e.f. 25th July, 2015:

➢ **Amendment of Schedule-A:**

In Schedule-A, in Part-IIA, after item no. 37 & 66 the following items shall repectively be inserted-

"37-A - Fabrication of Body of Trucks & Buses
66-A - LED Bulbs"

➢ **Amendment of Schedule-B :**

In Schedule-B, after item No. 18, the following item shall be inserted-

"18-A -Energy Efficient Chulhahs certified by the Energy & Resources Institute (TERI) or approved by the Ministry of New & Renewable Energy (MNRE)."

AMENDMENT IN PART-II-'A' OF SCHEDULE-'A' OF HIMACHAL PRADESH VALUE ADDED TAX ACT, 2005

OUR COMMENTS: The Excise & Taxation Department, Government of Himachal Pradesh **vide Notification No. No.EXN-F(10)20/2014-Loose dated 28th July, 2015**

proposed the following amendments in **Part-II-'A' of Schedule 'A'** appended to the said act :

In PartII'A' of SCHEDULE 'A' appended to the said act, for **item no. 13 the following item shall be substituted, namely-**

"Bitumen & Coal-tar of all kinds."

JHARKHAND

AMENDMENT IN NOTIFICATION NO. S.O. 219 DATED 31.03.2006

OUR COMMENTS: **The Commercial Taxes Department, Government of Jharkhand** vide **Notification No. S.O.56 dated 24th July, 2015** has amended **Notification No. S.O. 219 dated 31st March, 2006** in the following manner:

- In the clause (c) of subrule (vi) of Rule 3, after the words 'or TIN', a proviso shall be added in the following manner:

"Provided that where the Registering Authority is satisfied that the information furnished tohim in application in Form JCRF is complete, true and correct and the dealer deals with nonsensitive goods as identified by the Department from time to time, he shall subject to Rule 5, issue to the dealer a registration certificate in Form JVAT 106 within one day from the date of filing of such application and allot him a registration number which shall bear a unique number to be known as Taxpayer's Identification Number or TIN."

- In **subrule (6) of Rule 19**, the words ***'a period of ninety days'*** shall be substituted by ***'a period of sixty days'***.
- In **Sub-rule (7) of Rule 19**, the words ***'within ninety days'*** shall be substituted by ***'within sixty days'***.
- In **Sub-rule (7) of Rule 19**, in the proviso, the words ***'after ninety days'*** shall be substituted by ***'after sixty days'***.

NAGALAND

AMENDMENT IN SCHEDULE-II- RATE OF CRUDE OIL, PETROLEUM COKE ETC.

OUR COMMENTS: The Finance Department (Revenue Branch), Government of Nagaland vide **Notification No. FIN/TAX-3/89(Pt) dated 16th July, 2015,** has amended the rate of tax for the following entries of Schedule-II of the Act:

Sl No	Description	Existing rate	Amended rate
1	Crude Oil	4.75 %	5 %
2	Petroleum coke	4.75 %	5 %
5	Aviation turbine fuel (ATP) sold to Turbo-Prop Aircraft as specified in clause ii (d) of section 14 of the Central Sales Tax Act, 1956 (Central Act 74 Of 1956)	4.75 %	5 %
7	Natural Gas	4.75 %	5 %
8	Liquefied Petroleum Gas (Domestic)	4.75 %	5 %

AMENDMENT IN SCHEDULE IV, V & VIII– CHANGE OF TAX RATE ON DECLARED GOODS & OTHERS

OUR COMMENTS: **The** Finance Department (Revenue Branch), Government of Nagaland vide Notification No. **FIN/REV-3/VAT/10/05 dated 16th July, 2015** has made the following amendment to the following schedules appended to Nagaland VAT Act, 2005:

- **Schedule IV:**
  - a. The prescribed rates in all entries including Entry 45 -" Declared Goods as specified in Section 14 of CST Act, 1956 (Central Act 74 of 1956) other than goods specified in schedule I" increased from 4.75% to 5%.
  - b. " Spare Parts of Motor Vehicles" listed in Entry 353 has been deleted.
- **Schedule V:**
  - a. Rates in all Entries except Entry 154 – " Tobacco & Tobacco Products" increased from 13.25% to 14.5%.
  - b. Rate under Entry 154 – "Tobacco & Tobacco Products" increased from 18% to 25%.
  - c. After Entry 174, the following entry shall be inserted –

Sl No	Description of Goods	Rate of Tax
175	Spare Parts of Motor Vehilcles	14.5%

- **Schedule VIII:**

Rate on Works Contract under Entry 1 & 2 has been increased from 4.75% to 5% & from 13.25% to 14.5%.

RAJASTHAN

AMENDMENT IN DEPT NOTIFICATION NO. F. 12 (14) FD/ TAX / 2006 - 136

OUR COMMENTS: **The Finance Dept, Government of Rajasthan** vide **Notification No. F.12(54)FD/TAX/2015-Pt-1-69 dated 24th July, 2015** has amended the Dept's Notification No.F.12(14)FD/TAX/2006-136 dated 8th March, 2006 in following manner:

In the said Notification for the existing expression "manufacturing of motor vehicles (other than tractors)", the expression "manufacturing of motor vehicles (other than tractors) and manufacturing of parts & accessories of all types of motor vehicles" shall be substituted.

TELANGANA

REFUND OF TAX PAID ON GOODS LISTED UNDER ENTRY 58 OF SCHEDULE I

OUR COMMENTS: The Revenue (Commercial Taxes-II) Department, Government of Telangana **vide notification No. G.O.MS.No. 119 dated 23rd July, 2015 has** hereby directed that tax paid as per orders issued in **G.O.MS. No. 485, Revenue (CT.II) Deaprtment dt. 30.08.2013** by Grey Hounds Welfare Canteen, Telangana on purchase of goods (except liquor) listed under Entry 58 of Schedule I of the said Act is to be refunded subject to fulfilling the conditions prescribed under subsection (3) of section 15 of the said Act read with subrule (11) of rule 35 of the Telangana Value Added Tax Rules, 2005

AMENDMENT IN SCHEDULE-VI OF TELANGANA VAT ACT

OUR COMMENTS : The Revenue (Commercial Taxes-II) Department, Government of Telangana **vide notification No. G.O.MS.No. 122 dated 29rd July, 2015** has amended Schedule-VI appended to Telangana VAT Act as follows:

In Schedule-VI , for Explanation I & II, following shall be substituted namely-

- **Explanation-I :** For the purpose of items 1A to 1F, when any distillery or brewery or any dealer sells liquor to the Government of Telangana with the Telangana State Beverages Corporation Limited acting as its agent, or Canteen Stores Department, the sale by the Government of Telangana with the Telangana State Beverages Corporation Limited, acting as its agent or Canteen. Stores Department shall be deemed to be the first sale.
- **Explanation-II :** For the purpose of items 1A to 1F, sale of liquor by any distillery or brewery or any dealer to the Government of Telangana with the Telangana State Beverages Corporation Limited acting as its agent or Canteen Stores Department shall be exempt from tax under the Act.

UTTARAKHAND

AMENDMENT IN SCHEDULE-II(B) & SCHEDULE-I OF UTTARAKHAND VAT ACT

OUR COMMENTS : The Finance Section, Government of Uttarakhand vide Notification No. 630 / 2015 / 181 (120) / XXVII (8)/ 2008 dated 23rd July, 2015 has amended the Schedule-II(B) & Schedule-I of the Uttarakhand VAT Act as follows:

1. In Schedule-II(B), goods **specified at Sl. No. 13** shall be deemed **deleted**.
2. In Schedule-I, for the **existing entry at Sl. No. 71**, the following entry shall be substituted :-

Sr No	Description Of Goods	Rate Of Tax
71	Atta, Maida, Suji, Besan and Dalia	Exempt

AMENDMENT IN SCHEDULE- I OF UTTARAKHAND VAT ACT

OUR COMMENTS : The Finance Section, Government of Uttarakhand vide Notification No. 438 / 2015 / 120 (120) / XXVII (8)/ 2007 dated 23rd July, 2015 has amended the Schedule-I of the Uttarakhand VAT Act as follows:

- 'In Schedule-I, after the existing entry at Sl.No. 81, following new entry 82 shall be added; namely-

Sl No	Description of Goods	Rate of Tax
82	Mandua, Chaulai (Amaranth) and their products	Exempt