

TRADE CIRCULAR

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No.VAT /AMD-2011/1B/Adm-6

Trade Cir. No. 3 T of 2012

Mumbai, Dt. 27/02/2012

Sub: Submission of certain 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.

Gentlemen/Sir/Madam,

As per the provisions of section 61 of MVAT Act, 2002 the dealers covered under this section are liable to submit Audit Report in Form 704. Alongwith Form 704, details of the customer-wise sales and customer-wise purchases are also submitted in annexure J1 and J2 with other requisite details. However, for the dealers who are not required to file Audit Report in Form 704 there was no provision to seek the information about the customer-wise sales and purchases and also other details. The information about the latter category of dealers were not available with the department. As a result of this, it was difficult to cross check the input tax credit in respect of the dealers claiming refunds.

In order to mitigate this problem and to ensure speedy processing of refund claims and to expedite the cross check of input claims, it is felt necessary to prescribe information similar to Form 704 for dealers not liable to file Audit Report. Accordingly amendments have been made to rule 17 and rule 18.

2. The amendment provides that all dealers who are not liable to file Form-704 will now be required to file annexures in C, D, G, H, I, J1 and J2 alongwith last return of that year. This will be applicable from the last return of financial year 2011-12 e.g. return for the period ending on 31st March 2012 will be filed before 30th June 2012 alongwith the aforesaid annexures. For this, the due date of last return has been extended to 90 days instead of 21 and 30 days. It

may be noted that the payments have to be made as per earlier provision i.e. all dealers except six monthly dealers by 21st April 2012 and for six monthly dealers by 30th April 2012. Notifications prescribing the above annexures have been issued and are available on department's website.

3. The annexures notified vide notification cited Ref. (1) above is as under:-

- (1) **Annexure-C:-** This annexure contains the information with regards to details of TDS certificates received by the dealer.
- (2) **Annexure-D:-** This annexure contains the information with regards to details of TDS certificates issued by the dealer.
- (3) **Annexure-G:-** This annexure contains the information with regards to details of the various certificates or declarations as provided under Central Sales Tax Act, 1956 which are received by the dealer.
- (4) **Annexure-H:-** The information about the details of the declarations in form H, which are not received in respect of local sales is to be provided in this annexure. This H form relates to sale in the course of Export where penultimate sales are local sales.
- (5) **Annexure-I:-** The information with regards to details of the various certificates or declarations as provided under Central Sales Tax Act, 1956 that are not received is to be furnished in this annexure.
- (6) **Annexure-J1:-** This annexure contains the information about the sales effected by the dealer furnishing the said annexure. The information with regards to Customer-wise sales is to be provided.
- (7) **Annexure-J2:-** This annexure contains the information about the purchases effected by the dealer furnishing the said annexure. The information with regards to Customer-wise purchase is to be provided.

4. The dealers who are not required to file Audit Report in Form 704 shall submit these annexures alongwith the return for the month of March. In other words, in case of a dealer who is required to file return,-

- (1) Monthly: shall submit the requisite annexures along with the last return for the said year i.e. alongwith the return for the month of March of that year.
- (2) Quarterly: shall submit the requisite annexures along with the last return for the said year i.e. alongwith the return for the last quarter starting from 1st January and ending on 31st March of that year;

- (3) Six-monthly: shall submit the requisite annexures along with the last return for the said year i.e. alongwith the return for the second six-month starting from 1st October of previous year and ending on 31st March of that year.
5. The newly registered dealer shall submit the requisite annexures alongwith the last return for the year in which he has obtained the registration i.e. alongwith the return for the period in which 31st March of that year occurs.
6. In case of a dealer where business is discontinued or disposed off or transferred, then requisite annexures shall be filed alongwith the last monthly return or, last quarterly return or, as the case may be, last six monthly return in which aforesaid contingencies have occurred. In short, the said dealer shall file the annexures alongwith the return required to be filed as per the provisions of sub-rule (2) of rule 18.

7. Downloading of Forms of annexure:

- (1) The template of the aforesaid annexures will be provided on the website of the Sales Tax Department i.e. www.mahavat.gov.in at DOWNLOAD-FORMS<Electronic forms. Every dealer to whom the above notification applies shall download the template of the said form. Only downloaded template of the said form is to be used and uploaded on the website.
- (2) The said template will be made available at the Sales Tax Department's website. This template will contain annexure C, D, G, H, I, J1 and J2. The dealer shall first download the appropriate template.

8. Filing and uploading of annexures:

- (1) After downloading the requisite template as explained above the dealer should make the off line data entry in all the fields provided in the relevant excel sheets in the said work book. The excel sheets are named as annexure C, D, G, H, I, J1 and J2.
- (2) The dealer shall first fill the details in the template. The annexures referred in (1) above shall contain the information for the entire year.
- (3) The completed template of annexures shall be uploaded by the dealer using his login ID and password created by himself for the purpose of e-services. The dealer shall first upload the requisite annexures. The uploading of the said annexures shall be the pre-

requisite for uploading the last return i.e. for the month of March of that year.

- (4) In case of the dealer where the business is discontinued, disposed off or transferred, then, in that case with the last return in the month, quarter or as the case may be, six month in which the said contingencies occurs.
9. The dealers covered under Explanation to clause (8) of section 2 of the MVAT Act, 2002 and are not required to submit Audit Report in Form-704 shall submit the details of sales and purchases for entire year in the Annexure-J1, Annexure-J2 and other details in Annexure-C and Annexure-D appended to this notification.
10. This circular cannot be made use of for legal interpretation of provisions of law, as it is clarificatory in nature. If any member of the trade has any doubt, he may refer the matter to this office for further clarification.
11. 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.

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1. Copy forwarded To:
- All the Addl. Commissioners of Sales Tax in the State.
 - All the Joint Commissioners of Sales Tax in the State.
 - The Joint Commissioner of Sales Tax (Mahavikas) with the request to upload this Trade Circular on the Departments web-site.
 - All the Sr. Dy. Commissioners of Sales Tax in the State.
 - All the Dy. Commissioners of Sales Tax in the State.
 - All the Asstt. Commissioners of Sales Tax in the State.
 - All the Sales Tax Officers in the State.
2. Copy forwarded with compliments for information to:
- The Deputy Secretary, Finance Department, Mantralaya, Mumbai.
 - The Under Secretary, Finance Department, Mantralaya, Mumbai.
 - 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.