

**MULUND CA CPE STUDY CIRCLE OF WIRC OF ICAI**  
**STUDY CIRCLE MEETING ON SUNDAY, 9<sup>th</sup> JUNE 2013**

**AMENDMENTS IN MVAT, CST & PT ACT**  
**INCLUDING STATE BUDGET 2013**  
**(From 01.06.2012 to 31.05.2013)**

**CHAIRMAN – ADVOCATE C. B. THAKAR**  
**SPEAKER – CA PRASHANT VORA**

**NOTIFICATIONS ISSUED UNDER THE MVAT ACT, 2002**

VAT 1512/CR-46/Taxation-1 dated 31.05.2012

By this Notification the Government of Maharashtra has rescinded the Original Notification No VAT. 1507/CR-44 Taxation-1 dt. 6th December, 2007. This notification provided for grant of refund of Tax w.e.f. 1-11-2007 to the RD who has paid tax on sale of edible oil on Ghani situated in the State, subject to certain conditions

VAT. 1512/CR-65/Taxation dated 4<sup>th</sup> July, 2012

Vide Maharashtra Act No. VIII of 2012 dated 25<sup>th</sup> April, 2012 the State Government had made amendments to section 7(7), 23 and 26(2) of MVAT Act, 2012. Vide these amendments, if any dealer does not upload any return under MVAT Act, 2002 or under CST Act, 1956 within the prescribed time limit then in such cases, he will be required to pay compulsorily late filing fees of Rs. 5,000/- first and then only he will be able to upload the said return. However, the date of effect of those amendments was not specified. Vide Notification dated 4<sup>th</sup> July, 2012, the state Government notified 1<sup>st</sup> August, 2012 to be the date of effect of said amendments.

VAT 1512/CR 84/Taxation-1 dated 30<sup>th</sup> July, 2012.

Vide this Notification, following amendments are carried out to the MVAT Rules, 2005. Amendments are effective from 01/08/2012 unless stated otherwise.

**Rule 17(15)(b)/Rule 41/45/45A/46/83:**

If the dealer has not filed return within prescribed time limit then he will have to pay late fees of Rs. 5000/- in addition to the tax and the interest, before filing the return. Consequential amendment are made in Rule 41 relating to time of payments; Rule 45 relating to method of payments, Rule 45A relating to electronic payment and refund, Rule 46 relating to notice for payment of tax, Rule 83 relating to grant of certificate of entitlement to eligible industrial unit to incorporate words "Late fees".

**Rule 25:** Consequential amendment is made in Rule 25 to state that an order imposing late fees of Rs. 5000/- may be incorporated in the order of assessment relating to that period.

**Rule 55A:** Amendments are carried out to this Rules relating to condition and restrictions for grant of refund. In sub rule (3) amendment is made to redefine export for the purpose of explanation to Rule 51(3)(a)(i). Now the dealer will be treated as exporter for the purpose of quick refund, if his export turnover during previous year or during the period under refund application is more than 25% of his total turnover of sales or Rs.100 crore whichever is less. This Amendment is effective from 01/04/2012.

**Rule 58(1A):** Under Rule 58 (1A), cost of land is to be deducted from the agreement value of under constructed flat, premise etc. for arriving at the taxable sale value of flat, premise etc. where the land is also transferred along with the flat, premise etc But, as per proviso to Rule 58(1A), deduction towards cost of land should not exceed 70% of the agreement value. However, vide this Notification, the condition relating to restricting the cost of land to the extent of 70% of the agreement value is removed.

VAT 1512/CR 91(1)/Taxation-1 dated 27<sup>th</sup> August, 2012.

From 01/09/2012 sale of notified furnishing fabrics covered under Schedule Entry C-101 will be exempt when sold except at the last point of sale within the State.

VAT 1512/CR 91(3)&(4)/Taxation-1 dated 27<sup>th</sup> August, 2012

Vide this Notification, the State Government has covered various items of furnishing cloth under Schedule Entry C-101(a) and C-101(b) and levied tax @ 5%. The amendment is effective from 1<sup>st</sup> September, 2012. Readers may go through the Notification to find out the items.

VAT 1512/CR 91(2)/Taxation-1 dated 27<sup>th</sup> August, 2012.

While calculating the turnover of sales by a dealer covered under retail composition scheme, turnover of sales of furnishing fabrics covered by Schedule Entry C-101 will be excluded. Amendment is effective from 1<sup>st</sup> September, 2012.

VAT/AMD-1012/1B/ADM-8 dated 20<sup>th</sup> November, 2012

Returns in form 231/232/234/235 are amended to incorporate certain details of late fees payable, purchase tax payable etc.

VAT 1512/CR 139/Taxation -1 dated 21<sup>st</sup> November, 2012

Rule 66 is amended. The VAT audit report u/s. 61 is now required to be submitted within nine months and fifteen days from the end of the year. For the year 2011-12, audit report is to be submitted on or before 15<sup>th</sup> January, 2013. Amendment will be applicable for the financial year 2011-12 onwards.

JC (HQ) 1/VAT/2005/97 dated 30<sup>th</sup> April, 2012

With effect from 01/06/2012, Societies registered under the Societies Registration Act, 1860 will be liable to deduct TDS under Section 31(1) (b) of MVAT Act, 2002 while making payment for works contract transactions.

No. VAT 1512/CR-149/Taxation-1 dated 2<sup>nd</sup> February, 2013

The State of Maharashtra has issued the list of authorities to be liable for tax collection at sources from the person or dealer who has been awarded the rights for excavation of sand. The authorities who will be liable for VAT TCS are:

- (a) District Collectors,
- (b) Cantonment Boards, or
- (c) Any other authority under the State Government or Central Government

Rate of TCS will be 10% of the auction amount. The amendment is effective from 15<sup>th</sup> February, 2013.

Maharashtra Ordinance No. V of 2013 dated 2<sup>nd</sup> March, 2013

LA Bill No. I of 2013 dated 14<sup>th</sup> March, 2013

Maharashtra Act No. IV of 2013 dated 12<sup>th</sup> April 2013

Vide this Ordinance / LA Bill / Maharashtra Act No. IV, the State Government has made an amendment to Section 23(2) & (3A) of MVAT Act, 2002. By this amendment, the last date for completion of assessment, (Time barring limit) for the period 2005-06 and 2008-09 is extended by three months from 31<sup>st</sup> March, 2013 to 30<sup>th</sup> June, 2013.

VAT 1513/CR-46(1)/ Taxation-1 dated 30<sup>th</sup> March 2013

Rate of sales tax of various commodities are changed w.e.f. 01-04-2013. Details of the same are as under:

Sr No	Name of the commodity	New Schedule Entry	New Rate of Tax	Old Schedule Entry	Old Rate of Tax	Comment
1	Rice Bran	A-4( c )(ii)	Nil	C-49	5%	
2	Paddy, rice, wheat and pulses in whole grain, split or broken form;	A-9(A)(a)	Nil	A-9(A)(a)	Nil	Exemption from payment of sales tax is extended by one more year upto 31-03-2014.
	The flour of wheat & rice including atta, maida, rawa and suji whether sold singly or in mixed form;	A-9(A)(b)	Nil	A-9(A)(b)	Nil	----- do -----
	The flour of pulses including besan when sold singly and not mixed with flour of other pulses or cereals, sold during the period from 1st May 2006 to 31st March 2014	A-9(A)(c)	Nil	A-9(A)(c)	Nil	----- do -----

3	Hand Pumps used for pumping water	A-27	Nil	C-42	5%	
4	Judicial Stamp Paper, Court Fee Stamps When sold by Govt. Treasuries or vendors authorized by the Govt.	A-36	Nil			
5	Philatelic Materials such as Postal Stamps, Postal Envelope, Postal Stationary, Pigeongram, Rocketgram and First Day cover	A-36	Nil			
6	Unmanufactured Tobacco	E-1	12.5%	A-45A	Nil	
7	Papad except when served for consumption	A-51(i)	Nil	A-51(i)	Nil	Exemption from payment of sales tax is extended by one more year upto 31-03-2014.
	Gur (Jaggery)	A-51(ii)	Nil	A-51(ii)	Nil	----- do -----
	Chillies, turmeric and tamarind whole, powdered or separated but excluding Chilly seed and tamarind seed when sold in separated form;	A-51(iii)	Nil	A-51(iii)	Nil	----- do -----
	Coriander seeds, Fenugreek and Parsley (Suva) whole or powdered;	A-51(iv)	Nil	A-51(iv)	Nil	----- do -----
	Coconut in shell and separated kernel of coconut, other than copra.	A-51(v)	Nil	A-51(v)	Nil	----- do -----
	Solapuri chaddars;	A-51(vi)	Nil	A-51(vi)	Nil	----- do -----
	Towels;	A-51(vii)	Nil	A-51(vii)	Nil	----- do -----
	Wet dates,	A-51(viii)	Nil	A-51(viii)	Nil	----- do -----
8	Raisins and Currants	A-59	Nil	A-59	Nil	Exemption from payment of sales tax is extended by one more year upto 31-03-2014.
9	Water meters sold to Local Bodies	A-62	Nil			

10	Articles made up of precious metals of fineness not less than 50% . Whether or not containing precious stone, semi precious stones, diamonds or pearls whether real or cultured [and to which entry 105 & 53A in schedule C does not apply]	B-1	1.10%	B-1	1%	The rate is increased only for 1 year upto 31.03.2014
11	Precious metals that is to say Gold, Silver, Platinum, Osimum, Palladium, Rohidum, Ruthenium and alloys of any of them	B-2	1.10%	B-1	1%	The rate is increased only for 1 year upto 31.03.2014
12	Paver Blocks	E-1	12.5%	C-3	5%	
13	Beedi	E-1	12.5%	C-12(b)	5%	
14	Products capable of being used as Cosmetics, Shampoos	E-1	12.5%	C-29(a)	5%	
15	Excavators covered under tariff heading no. 8429 52 00 of the Central Excise Tarrif Act, 1985 (5 of 1986) and are not liable for registration Under the Motor Vehicles Act, 1988 (5 of 1988)	C-31A	5%	E-1	12.5%	
16	Hand Pumps Parts & Fittings	E-1	12.5%	C-42	5%	
17	Industrial Goods & Tools made of Diamond, Gold, Silver, Platinum, Osimum, Palladium, Rohidum, Ruthenium, and alloys thereof, if any	C-53A	5%	B-1	1%	
18	Powders, tablets, cubes, crystals and other solids or liquids from which non - alcoholic beverages and soups are prepared.	E-1	12.5%	C-107(11)(g)	5%	
19	Tea in leaf or powder form including instant tea.	C-108 (1) (b)	5%	C-108 (1) (b)	5%	Concessional rate of 5% tax is extended by one more year upto 31-03-2014.
20	Cigar & Cigarettes	D-14	25%	D-12	20%	

VAT 1513/CR-46(2)/Taxation-1 dated 30<sup>th</sup> March 2013

Amendment to schedule entries w.e.f. 01.04.2013

Under Schedule entry A-2 the State is empowered to notify aids and implements used by handicapped persons. By virtue of this notification "Braille watches" are added to the list of notified implements. Such watches would now be exempt w.e.f. 1st April 2013.

1	Braille Watches	A-2	Nil	E-1	12.5%	
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VAT 1513/CR-46(3)/Taxation-1 dated 30<sup>th</sup> March 2013

Amendment to schedule entries w.e.f. 01.04.2013

Under Entry C-101(a) the State Government is empowered to notify the fabrics and sugar which would be subjected to 5% per cent. By virtue of this power in the Schedule dated 17th March 2010, the following entries are added by above Notification. This notification does not refer to only fabric but the articles of fabric.

1	Textile articles of a kind suitable for industrial use  Textile fabrics coated with gum or amylaceous Substances, of a kind use for outer covers of books Or the like; tracing cloth; prepared painting canvas; Buckram and similar stiffened textile fabrics of a kind Used for hat foundations.  Tyre cord fabric of high tenacity yarn of nylon or other Polyamides, polysters or viscose rayon.  Textile fabrics, impregnated, coated, covered or Laminated with plastics, other than those of heading 5902	C-101(a)(9)	5%	A-45	Nil	
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VAT 1513/CR-46(4)/Taxation-1 dated 30<sup>th</sup> March 2013

Amendment to schedule entries w.e.f. 01.04.2013

Schedule C 101(b) refers to varieties of textiles and textile articles which may be notified from time to time.

Textile Fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, Studio back cloths or the like.	C-101(b)(22)	5%	A-45	Nil	
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Textile articles of a kind suitable for industrial use, Other than cotton covered under the Notification, Finance Department, No.VAT.1510/CR-47A/Taxation-1, Dated the 17 <sup>th</sup> March 2010 issued under sub-entry(a) Of entry 101 of Schedule 'C' appended to Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005)	C-101(b)(31)	5%	A-45	Nil	
Textile fabrics coated with gum or amylaceous Substances, of a kind use for outer covers of books Or the like; tracing cloth; prepared painting canvas; Buckram and similar stiffened textile fabrics of a kind Used for hat foundations.					
Tyre cord fabric of high tenacity yarn of nylon or other Polyamides, polysters or viscose rayon.					
Textile fabrics, impregnated, coated, covered or Laminated with plastics, other than those of heading 5902					

VAT 1513/CR-46(5)/Taxation-1 dated 30<sup>th</sup> March 2013  
Amendment to schedule entries w.e.f. 01.04.2013

Automated Implantable Cardiac Defibrillators (AICD)	C-107(8)	5%	E-1	12.5%	
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VAT 1513/CR-46(6)/Taxation-1 dated 30<sup>th</sup> March 2013  
Apart from dealer in second hand motor vehicles, now dealer in second hand tractors will also be eligible to opt for composition scheme. Amendment is effective from 01/04/2013.

VAT 1513/CR-46(7)/Taxation-1 dated 4<sup>th</sup> April 2013  
Amendment to schedule entries w.e.f. 01.04.2013

Diamonds	B-3A(a)	1.1%	B-3	1%	The rate is increased only for 1 year upto 31.03.2014
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## **LA Bill No. XI of 2013**

### **Maharashtra Act No. VIII of 2013 dated 25<sup>th</sup> April 2013**

#### **Sec 2 : Defination**

Sec. 2(15A) and Sec 2(17A) defines motor spirits and petroleum products respectively. In both the definitions at the end, i.e. after (a) to (f), it was stated "or any other product" as the State Government may from time to time notify in the Official Gazette". The word "or" is removed from both the places and replaced by "and". This means motor spirits and petroleum products respectively would mean the products specified in the definition as also any other product as may be notified. It appears it was a mistake which is corrected.

#### **Sec 20 : Returns and self assessment**

Sec. 20(4) is amended to provide for one annual revised return for a year for the returns/the revised returns to be filed under sec. 20(4)(b) and sec. 20(4)(c). That means a dealer would be able to file one annual revised return after filing the Audit Report as also after receiving the intimation under sec. 63 from the Department. This is in conformity with the earlier clarification given by the Commissioner. There were many problems in adjusting the findings of auditor in the last return. The problems are solved now.

#### **Power to reduce late fee**

Under sec. 20(6) a new proviso is added to enable the State Government to exempt whole or part of the late fee payable for late filing of the return, by class of dealer or classes of dealers, for such period or periods as may be stated therein. The waiver can be given in the notification prospectively or retrospectively.

#### **Automatic cancellation of order u/s. 23(1)**

Sec. 23 (1) entitles the Commissioner to pass best judgment order if the the Registered Dealer fails to file the returns by the prescribed date. The first proviso to this sub-section is substituted. As per the new proviso if after the assessment order under this section is passed, the dealer submits the return for the period to which the order relates, then the order passed under section 23(1) shall stand cancelled. However the dealer may be assessed in respect of the same period under other provisions of the section.

Therefore in terms of this new sub-section unless the dealer files a return the order will not be cancelled. The previous condition about the full payment of tax is also absent. Dealer will be able to apply for installment if eligible.

#### **Automatic recovery on acceptance of Audit Report in Form 704**

Section 32A is inserted. As per this new section if after the submission of Audit Report u/s 61, the recommendation about sum payable or interest payable is accepted by the dealer, either fully or partly, then the dealer shall pay the same within 30 days from the date of service of the notice issued by the Commissioner in this respect. The provisions with regard to interest u/s



30(2) will apply to such tax accepted by the dealer. It is also provided that if such amount is less than Rs.100 the Commissioner shall not recover the same.

#### **Exemption power for wine**

Sec. 41 provides exemption (partial or full) to various class of dealers. Sec. 41(5) empowers the Government to provide exemption in part or full on sales of liquor. This power is now extended to wine also. This amendment will enable the State to bring in first point levy on wine

#### **Carry forward of refund up to Rs. 5 Lakhs**

Sec. 50 of the MVAT Act is amended. A proviso is added to Sec 50(2) by which a dealer whose refund claim at the end of the year is Rs. 5,00,000/- or less would be allowed to carry forward such refund to the return or revised return for immediate succeeding year.

#### **Grant of refund to Mega unit**

Sec. 51(3)(a)(iii) included various types of holders of benefit PSI Scheme eligible for application of refund *qua* a return/fresh return/revised return. The dealers holding identification certificate issued to mega unit under PSI, 2001 or under PSI, 2007 are now included in this sub-section. One more category of dealers are included as to be eligible for filing the application for refund *qua* a return / fresh return / revised return.

The dealer selling the goods in the course of inter-State trade or commerce and whose turnover of such inter-State sale in immediate previous year exceeds 50 per cent of his total turnover of sale for the previous year is now eligible to apply for refund on filing of return, fresh return or revised return.

#### **Amendment to Sec. 61**

The explanation to this section defines accountant for the purpose of 61 this definition would be made applicable to sec. 32(A) also as discussed earlier.

Company Secretary is also authorized to appear for Sales Tax Proceedings. Sec 82 of the MVAT Act is amended to include Company Secretary as a person eligible to appear before any authority in proceedings under MVAT Act. Consequential amendments are made in this section to include Company Secretary after the words Cost Accountant.

#### **Retrospective amendment to entry relating to milk**

Schedule A -34 (b) is substituted w.e.f. 1st April, 2005. The new entry reads as follows.

Schedule A-34(b) : Milk containing any ingredients other than milk fat, milk powder or as the case may be solid non fat and sold under a brand name.

VAT 1513/CR 57/Taxation-1 dated 25<sup>th</sup> April 2013

By this notification the amendment of Maharashtra Act No. VIII of 2013 dated 25<sup>th</sup> April 2013 will be effective from 1<sup>st</sup> May 2013.

VAT 1512/CR 115/Taxation-1 dated 16<sup>th</sup> May 2013

By this notification the new rule 55B is introduced with retrospective effect from 15<sup>th</sup> November 2011 for unit & Developers in processing area of SEZ, which will override rule 53(6), 54(g) & 54(h). Explanation is added to define the word processing area.

## **CIRCULARS ISSUED BY THE COMMISSIONER UNDER THE MVAT ACT, 2002**

Trade Circular No. 8T of 2012 dated 21<sup>st</sup> June, 2012

The commissioner has in detail explained the Implication of Judgement of the Honorable Bombay High Court in case of M/S. Mahalaxmi Cotton Ginning pressing and Oil Industries, Kolhapur (Writ Petition No. 33 of 2012 dated 11.05.2012). The commissioner has explained position of allowing or disallowing Input Tax credit keeping in mind interpretation of the said Judgement. The commissioner has further threatened that the action will be taken against defaulting dealer and has further prescribed procedure for allowing ITC if defaulting dealer has complied with requirements.

Trade Circular No. 9T of 2012 dated 30<sup>th</sup> June, 2012

The commissioner has in detail explained the amendments to the schedule entries under the Maharashtra Value added Tax Act, 2002.

Trade Circular No. 10T of 2012 dated 2<sup>nd</sup> July, 2012.

The State Government vide Schedule Entry No. C-39 had notified list of intangible goods for levy of tax @ 5%. Further, those intangible goods which were not covered in the notified list were exempted from payment of sales tax. However, many dealers were under the impression that all types of intangible goods liable to tax @ 5%. Tax was collected and paid in the Government treasury even on those goods which were exempt. Vide this Notification, the Commissioner has announced that all the tax so wrongly collected for the period 01/04/05 to 31/12/10 shall not be forfeited. At the same time it shall not be refunded to the seller. However, the purchaser will be granted set off on the basis of tax invoice as proof of tax paid.

Trade Circular No. 11T of 2012 dated 17<sup>th</sup> July, 2012.

In order to get refund of sales tax through Electronic Clearance Service ('ECS'), the commissioner has asked the dealers to submit electronically a 'MANDATE FORM'. Dealer may download the mandate form from mahavat website ([www.mahavat.gov.in](http://www.mahavat.gov.in)), fill it and upload it. After getting the acknowledgment of uploaded mandate form, the dealer is required to print it and submit duly signed hard copy along with blank cancelled cheque or first page of pass book.

Trade Circular No. 12T of 2012 dated 1<sup>st</sup> August, 2012.

Uptill date, the officers of the return branch were passing ex party orders for non filing of return for any particular period under VAT Act. Thereafter, the dealers were required to upload the returns and apply in FORM 304 to

cancel the ex party order. After receiving application in FORM 304, the concerned officer was required to cancel the ex party order so passed. With effect from 1<sup>st</sup> August, 2012, new procedure has been prescribed. It has been announced that such ex party orders will be passed only through MAHAVIKAS system. After getting ex party order, if the dealer upload the return, then MAHAVIKAS system will automatically cancel the ex party order and inform the dealer.

Trade Circular No.13T of 2012 dated 6<sup>th</sup> August, 2012.

In this circular, the Commissioner has explained the amendments carried out under different Acts administered by the sale tax department through budget. The Circular has explained each and every amendment carried out through budget. Readers are requested to go through the Circular.

Trade Circular No. 14 of 2012 dated 6<sup>th</sup> August, 2012.

Vide this Circular, the Commissioner has announced grant of administrative relief to builders and developers. If the builders and developers are not registered under the VAT Act, then they were required to apply for VAT TIN on or before 16<sup>th</sup> August, 2012. Further, they are also required to pay all taxes from 20<sup>th</sup> June, 2006 (i. e. the day from which builders are liable to pay sales tax) till date and upload all the returns on quarterly basis with late fees of Rs. 5,000 per return on or before 31<sup>st</sup> August, 2012. Further, they are required to apply for administrative relief to the Joint Commissioner (Registration Branch) on or before 31<sup>st</sup> August, 2012. On doing this, the date of effect of VAT TIN will be prepond to 20<sup>th</sup> June, 2006 and they will be able to claim the benefit of set off from 20<sup>th</sup> June, 2006 onwards. Further, they will be able to claim the benefit of Notification dated 9<sup>th</sup> July, 2010 and may discharge their tax liability on sale of under constructed flats @ 1% from 1<sup>st</sup> April, 2010 onwards. Readers are required to go through the Circular for further details.

Trade Circular No. 15T of 2012 dated 13<sup>th</sup> August, 2012.

Vide this Circular, the Commissioner has allowed the dealers to upload the VAT & CST returns for the period ending on 30<sup>th</sup> June, 2012 up till 17 August, 2012 without attracting late fees. However, the dealers uploading returns after 31<sup>st</sup> July, 2012 will have to pay the fees of Rs. 5,000. Thereafter, they will be able to adjust the fees against the tax liability of subsequent periods.

Trade Circular No. 16T of 2012 dated 25<sup>th</sup> September, 2012.

In circular 16T of 2012 dt 25<sup>th</sup> Sept 2012 – The Commissioner has explained the Four notifications issued for furnishing cloth on 27<sup>th</sup> August, 2012.

In this circular the Commissioner has explained the manner in which one has to determine whether the Sale is made for consumption or otherwise. The selling dealer is supposed to have reasonable knowledge of facts that the sales made to another RD is for consumption and then the selling dealer will be liable to pay the Tax. Such Selling dealer shall write on the invoice

that the sales are for consumption. If the Sales are made to a unregistered dealer, the selling dealer will have to prove that the Sales are not meant for Consumption. If the selling dealer effects the Sale of notifying furnishing cloth to end consumer then the Sale will be taxable. Similarly, inter-State sale of notified furnishing cloth will be subject to tax under the CST Act.

The Dealers dealing in Furnishing Cloth will not be entitled to opt for Composition Scheme for retailers. The items covered by C-101 (b) contained the items up to Serial No.29. Since these items are not furnishing cloth they will continue to be taxable at multiple points. New Entry 30 is added now. The Circular also states dealer effecting sales of furnishing cloths are liable to obtain registration in terms of Section 3 of MVAT Act.

Trade Circular No. 17T of 2012 dated 25<sup>th</sup> September, 2012.

To give effect to the interim order of the Supreme Court in case of Maharashtra Chamber of Housing Industry, the Commissioner has modified his earlier Trade Circular No. 14T of 2012 dated 6th August, 2012 issued for the builders & developers.

(1) Builders and developers who did not obtain registration under MVAT Act, 2002 can obtain the same on or before 15th October, 2012.

(2) Time for payment of tax, uploading of returns and application for administrative relief is extended upto 31st October, 2012.

Trade Circular No. 18T of 2012 dated 26<sup>th</sup> September, 2012.

The developers / builders filing returns / revised returns for unregistered or registered periods are required to submit year wise annexure showing the working of tax liability. This detail required is for all periods ending up to 31/10/2012. The format of annexure is made available on mahavat website. Annexure are to be uploaded at [buildercell@gmail.com](mailto:buildercell@gmail.com)

Trade Circular No. 19T of 2012 dated 9<sup>th</sup> November, 2012

Vide this Circular, the Commissioner has once again clarified that if there is a Sunday or Public Holidays on a due date of making payment of tax, uploading of return, audit report or application for refund etc., then next working day immediately following the Sunday or Public holiday shall be treated as due date. All such submissions done on the next working day shall be considered to have been done within due date or prescribed time period and no interest or penalty shall be levied.

Trade Circular No. 20T of 2012 dated 19<sup>th</sup> November, 2012

In future, the sales tax department proposes to remit refund through ECS. Therefore, all the dealers who do not have Bank account in ECS enabled Bank are advised to open an account in an ECS enabled Bank. At present facility of remittance of refund through ECS is optional for all the dealers in Greater Mumbai.

Trade Circular No. 21T of 2012 dated 26<sup>th</sup> November, 2012

The Commissioner has clarified that assessment orders are required to be passed by officer under Section 23(2) or (3) and not u/s. 23 (3A). Hence,

Section 23(11) for application for cancellation of assessment order in Form 316 is squarely applicable to assessment orders passed u/s 23(2)/(3).

Trade Circular No. 22T of 2012 dated 26<sup>th</sup> November, 2012.

Dealer is not getting C-form from department unless class or classes of goods bought under declaration are specified in CST Registration Certificate. The Commissioner has instructed in the circular that if the commodity stated in the application for C-form is covered by the class or classes of goods specified in CST Registration Certificate but exact commodity specified is not matching then also declaration should be issued by officer without carrying out amendment to CST Registration certificate.

Trade Circular 1T of 2013 dated 04<sup>th</sup> January, 2013.

It is clarified that no penalty under Section 61(2) of Maharashtra VAT Act, 2002 for late filing of VAT audit report shall be levied on the developers who have obtained registration upto 15<sup>th</sup> October, 2012 and has filed returns, paid taxes due on or before 31<sup>st</sup> October 2012 for all the past periods and who has filed the audit report in form 704 for all the periods from 2006-07 to 2011-12 on or before 15/01/2013.

Trade Circular 2T of 2013 dated 15<sup>th</sup> January, 2013.

Last date for physical submission of copy of part-I of the form 704 along with statement of submission and duly signed copy of acknowledgement generated for the financial year 2011-12 was 28.01.2013.

#### **NOTIFICATIONS ISSUED UNDER THE CST ACT, 1956**

CST 1413/CR-48/Taxation-1 dated 30<sup>th</sup> March 2013

Interstate sale of furnishing cloth covered under Schedule Entry No. C-101 will be exempt from payment of C.S.T under Section 8(5) of the Central Sales Tax Act, 1956. Amendment is effective from 01/04/2013.

#### **NOTIFICATIONS ISSUED UNDER THE MAHARASHTRA STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS ACT, 1975**

PFT. 1012/CR29/Taxation – 3 dated 14<sup>th</sup> June, 2012

Vide this Notification, online payment of profession tax, interest, penalty through electronic mode is made compulsory for employer holding profession tax registration number. Amendment is effective from 01.07.2012.

PFT. 1012/C.R.29/Taxation-3 dated 14<sup>th</sup> June, 2012

Vide Maharashtra Act No. XVI of 1975 dated 25<sup>th</sup> April, 2012 the state Government had made amendment to section 6 of the Maharashtra Profession Tax Act, 1975. Vide this amendment, if any employer does not upload any profession tax return within the prescribed time under the profession tax Act, 1975 then in such cases, he will be required to first pay

compulsorily late filing fees of Rs.1,000/- and then only he will be able to upload the said return. However, the date of effect of this amendment was not specified. Vide Notification dated 14<sup>th</sup> June, 2012, the State Government notified 1<sup>st</sup> August, 2012 to be the date of effect of said amendments.

PFT/2012/46/ADM-20 Dated 2<sup>nd</sup> August, 2012

Vide this Notification, due date for making payment of profession tax for the year 2012-13 for enrolment holder is extend from 30.06.2012 to 31.08.2012. This Notification is, however, not applicable who is recently enrolled on or after 31.05.2012.

PFT 1012/CR 60/Taxation-3 dated 19<sup>th</sup> October, 2012

Rule 4A: New Rule is inserted so as to make it mandatory to furnish Permanent Account Number (PAN) or Tax Deduction and Collection Account Number (TAN) obtained under Income Tax Act 1961 or both to the registering authority on or before the 30<sup>th</sup> November, 2012. The dealer who do not have PAN or TAN are required to obtain the same from Income Tax Department and then shall furnish to registering authority on or before 30/11/2012.