

From the Desk...



From the ancient times, Tax is being collected by the Governments for the development and welfare of the State. It is a fact that simple provisions of Tax Administration leads to the increase in voluntary compliance. The Government and the Commercial Taxes Department is always working for the simplification of the Tax provisions.

Although modernization of the Tax Administration was in process in the Department since long back but after enactment of Value Added Tax in the State it has become the need of the time to cope with the situation of enlarged tax base.

An integrated Rajasthan VAT IT project (RajVISTA) was initiated in the year 2006. It has been rolled out across the State for day to day operations of the Department. All the core activities of the Department have been IT-Enabled and being used by the CTD officials for day to day operations. Consequently, the use of paper has been reduced considerably for business processes under VAT and other Taxes.

Business Process Re-engineering (BPR) is also being done regularly to make the process simple and IT Enabled. Various amendments in the rules have been issued to incorporate the BPR impact.

The Department has introduced various e-Services for the facilitation of trade and industry in the State. By using these e-services the tax payers need not to visit the CTD offices for day to day operations.

I have a feeling of immense pleasure that Rajasthan is pioneer State in the country in providing improved e-Services to the Tax Payers. Consequently, about 45% of tax revenue is being collected through e-Payment. E-Filing of return has also been made mandatory for the class of dealers paying annual tax more that Rs. 10.00 lac or registered under Companies Act 1956.

I hope these e-Services would increase transparency and face less intransaction for the taxpayers of the State

(B.N.Sharma)

Highlights

व्यवहारी सुविधा केन्द्र

वाणिज्यिक कर की वसूली विभाग द्वारा ग्राहक/नागरिक से सीधे ही नहीं की जाती है बल्कि व्यवसायियों द्वारा ग्राहकों से कर वसूली की जाकर विभाग में जमा कराई जाती है। व्यवहारी विभाग के लिए कर वसूली का कार्य करता है तथा इसे समय पर विभाग में जमा कराने का उत्तरदायित्व निर्वहन करता है। विभाग में वर्तमान में 350000 से भी अधिक पंजीकृत व्यवहारी हैं जो इस उत्तरदायित्व का वहन कर रहे हैं तथा प्रत्येक त्रैमास में कर विवरणी प्रस्तुत करते हैं। ऐसे में कर संग्रहण कार्य में पारदर्शिता एवं निर्बाधता के लिए विभाग का भी यह दायित्व है कि व्यवहारी को अपेक्षित सभी सुविधाएं प्रदान करें। इसी अवधारणा को ध्यान में रखते हुए व्यवहारी सुविधा केन्द्र प्रदेश में सहायक आयुक्त वृत्त स्तर के सभी कार्यालयों में प्रारम्भ किये गये हैं।

उद्देश्य –

अत्याधुनिक उपकरणों एवं अर्थात् ई सुविधाओं का प्रयोग कर व्यवहारियों के लिए कर अदायगी की प्रक्रिया का सरलीकरण।

ईमानदारी से कर भुगतान करने वाले व्यवहारियों को कर योग्य सामान के परिवहन के दौरान किसी भी प्रकार की दुविधा या कठिनाई न हो।

किसी भी वाणिज्यिक कर कार्यालय से संबंधित सामान्य जानकारी तत्परता से उपलब्ध कराना।

विभागीय प्रक्रियाओं की जानकारी सुलभ कराना तथा विभाग में प्रदाय किये जाने वाले सभी प्रकार के रिटर्न/फार्म प्रस्तुत करने में सहयोग करना।

विभाग में प्रस्तुत किये जाने वाले दस्तावेज/सूचनाएं/रिटर्न को एकल बिन्दु पर बिना किसी विलंब के जमा करने की सुविधा प्रदान कर व्यवहारी के लिए समय की बचत एवं सुलभ बनाना।
उपलब्ध सुविधाएँ

विभागीय अधिनियम, नियम, अधिसूचना, एवम् प्रक्रियाओं की जानकारी।

पंजीकरण, बिक्री कर विवरणी प्रस्तुति करण, कर भुगतान, एवम् वैट घोषणा प्रपत्र 47 एवम् 49 इत्यादि संबंधी जानकारी।

विभाग द्वारा प्रदान की जा रही ई-सुविधाओं संबंधी जानकारी प्रदान करना तथा इनके उपयोग में व्यवहारी को सहयोग करना ई-रजिस्ट्रेशन, ई-भुगतान, ई-रिटर्न फाईल, ऑन लाईन वैट घोषणा प्रपत्र 47A एवम् 49A की फाईलिंग।

अन्तर्राज्यीय माल आवागमन के घोषणा पत्र के SMS/IVRS आधारित प्रेषण सुविधा संबंधी जानकारी।

व्यवहारी सुविधा केन्द्र पर व्यवहारी द्वारा प्रस्तुत दस्तावेजों की पावती जारी करना एवम् संबन्धित अधिकारी को भेजना।

वैट प्रपत्र VAT 01, VAT 10, VAT 11, VAT 16, VAT 37, CST 5, उपलब्ध कराना।

प्रदत्त सुविधाओं का समुचित लाभ व्यवहारियों को मिलना सुनिश्चित हो सके, इसके लिए विभाग ने व्यवहारी सुविधा केन्द्रों पर कार्यरत सभी कर्मचारियों को प्रशिक्षित भी किया है एवं भविष्य में भी विभाग इस तरह के प्रशिक्षण आयोजित करता रहेगा। इससे केन्द्र संचालन में आ रही कठिनाईयों को समझकर इनका त्वरित निराकरण भी हो सकेगा।

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CASE NO.: Appeal (civil) 4944 of 2001

PETITIONER: Commercial Taxes Officer, Jodhpur

RESPONDENT: M/s Vishnu Metals

DATE OF JUDGMENT: 07/11/2006

BENCH: Ashok Bhan, Altamas Kabir & Dalveer Bhandari

J U D G M E N T W I T H

Civil Appeal No 4701 / 2006

(Arising out of SLP) No. 2165 / 2003

Commissioner, Commercial Taxes, Jaipur

....Appellants

Versus

M/s Narpat Steels Private Ltd.

....Respondents

ALTAMAS KABIR, J.

Civil Appeal No. 4944 of 2001 is directed against the judgment of the Rajasthan High Court at Jodhpur dated 18th January, 2000, in S.B. Sales Tax Revision No. 1165 of 1999 under Section 86(2) of the Rajasthan Sales Tax Act, 1994. The said revision was directed against the judgment dated 9th February, 1999, passed by the Rajasthan Tax Board, Ajmer, allowing the appeal preferred by the respondent/assessee and setting aside the decision of the District Level Screening Committee taken on 19th March, 1998, rejecting the assessee's application for Eligibility Certificate under the Sales Tax New Incentive Scheme for Industries, 1989. The assessee, which is the respondent in the present appeal, manufactures stainless steel sheets. Its original installed capacity was 1300 M.T. per annum prior to 16th February, 1995. Subsequently, the assessee expanded its production capacity to 1600 M.T. per annum and achieved the production of more than 85% of the installed capacity between 16th February, 1995 and 16th June, 1996. According to the materials on record, the production of the assessee between April, 1994 to 15th February, 1995 was 1292.913 M.T. and during the year following the date of expansion, the assessee manufactured its own goods to the extent of 1447.489 M.T. It is the case of the assessee that apart from manufacturing its own goods, the assessee had also manufactured goods by doing job work for others and the entire production, taking into account the goods manufactured for its own purposes and the job work, would amount to a total of 2193.76 M.T. In other words, if the job work undertaken by the assessee for others is also taken into consideration, along with the production for its own purposes, such production would constitute an increase in the production to more than 25%

of the original installed capacity.

On 6th July, 1989, the Rajasthan Government, in exercise of its powers conferred by Section 4(2) of the Rajasthan Sales Tax Act, 1954, notified the "Sales Tax New Incentive Scheme for Industries, 1989" which exempted the industrial units from payment of tax on the sale of goods manufactured by them within the State in the manner and to the extent and for the period as covered by the notification. Clause 2(f) dealt with expansion of units and defined such expansion in the following terms:-

"2(f) Expansion means increase in the value of fixed capital investment by not less than 25% of the net fixed assets of the existing project and accompanied by an increase in the production to the extent of at least 25% of the original licensed/registered capacity.

Explanation: The benefits of Sales Tax incentive for Expansion shall be admissible to the eligible units only after they have achieved at least 85% of their licensed/registered capacity before expansion."

The assessee applied to the District Level Screening Committee for grant of Eligibility Certificate under the provisions of the said 1989 Incentive Scheme on account of expansion of its installed capacity. The said Committee came to the conclusion that since the production by the assessee had been raised during the period in question from 1292.913

M.T. to 1447.489 M.T., it had utilized more than 85% capacity, but the production had not increased to the extent of 25% of the licensed/registered capacity and accordingly rejected the claim of the assessee. Against the said decision of the District Level Screening Committee, the assessee went before the Rajasthan Tax Board by way of Appeal No. 798/98/S.T./Jodhpur, wherein it was contended that apart

from the production for its own purposes, the assessee had also undertaken "job work" and that the two taken together would far exceed the required increase in the production to the extent of at least 25% of the licensed/registered capacity. Accepting the submissions made on behalf of the assessee that since the definition of the expression "expansion" did not stipulate that the production had to be for its own purposes, the Tax Board held that the assessee was entitled to add the job work performed to its own production for its own purposes to qualify for the Eligibility Certificate under the 1989 Incentive Scheme.

The same view was reiterated by the High Court in the revision preferred by the Department. The question that, therefore, falls for determination in this appeal is whether the job work performed by the assessee in addition to its production for its own purposes can be taken into consideration for the purposes of clause 2(f) of the 1989 Incentive Scheme, as had been held both by the Rajasthan Tax Board and the High Court. Although, the Rajasthan Tax Board was of the view that the job work performed by the assessee would have to be added to the production capacity of the assessee's unit, there is no reasoning in

support thereof.

The said lacuna has been addressed by the High Court by holding that the expression used in the statute did not indicate that the manufacture of goods for sale must be by any particular individual and that the entire production in order to make the unit eligible for grant of benefit under the 1989 Incentive Scheme must be on its own account and not by way of doing job work. On such interpretation of clause 2(f) of the 1989 Incentive Scheme, the High Court affirmed the finding of the Rajasthan Tax Board and directed the District Level Screening Committee to issue necessary Eligibility Certificate to the respondent-assessee. While arriving at a conclusion that job work would also have to be taken into consideration for grant of eligibility certificate under Clause 2(f), both the Rajasthan Tax Board and the High Court omitted to take into consideration the nature of job work performed by the respondent-assessee and whether the same would amount to production as contemplated in the said clause. Learned counsel appearing for the respondent-assessee was also unable to specify the nature of job work said to have been undertaken by the

respondent-assessee. Both the Rajasthan Tax Board and the High Court laboured under the presumption that the job work performed by the respondent-assessee involved manufacture of goods which were similar in nature to its own goods for sale. Such an approach, in our view, was erroneous, since the very nature of the incentive given under the aforesaid 1989 Incentive Scheme involves calculation of the actual production of the unit in question. In the absence of any material to indicate the nature of job work undertaken, it would be improper to proceed only on the basis of presumption. The Department's appeal must, therefore, succeed and is allowed and the judgment of both the Rajasthan Tax Board and the High Court dated 18th January, 2000 and 9th February, 1999, respectively, are set aside. There will, however, be no order as to costs.

**Civil Appeal No. 4701 /2006
(Arising out of SLP) No.2165/2003)**

Leave granted.

The Civil Appeal arising out of S.L.P.(Civil) No. 2165 of 2003 involves the same question as in Civil Appeal No. 4944 of 2001 and is directed against the judgment of the Rajasthan

Notifications

| S.N. | Notification No. | Date | Subject matter | Comments |
|------|----------------------------------|------------|--|--|
| 1. | F.3(A) (8)/Tax/CCT/97/214 | 05.06.2009 | Jurisdiction of A.E Circle | Jurisdiction of AC, CTO AE Circle, Kota has been notified as Revenue districts Kota, Bundi Baran and Jhalawar. |
| 2. | F.16(375) Tax/VAT/ CCT-06/192 | 29.05.2009 | Amendment in the Notification No. F.16(375) Tax/VAT/ CCT-06/36 dated 29 04 09 | Date of filing of e-return extended up to June 30, 2009" |
| 3. | F.4(33)FD/Tax/87-03 | 25.05.2009 | Exempts BSF Canteens in Rajasthan | Exemption to BSF Canteens in Rajasthan has been granted on certain conditions. |
| 4. | F.4(33)FD/Tax/87-01 | 25.05.2009 | Exempts BSF Canteens in Rajasthan | BSF Canteens in Rajasthan included in Schedule II. |
| 5. | F.4(33)FD/Tax/87-02 | 25.05.2009 | Exempts BSF Canteens in Rajasthan | Declaration Forms for BSF Canteens in Rajasthan for exemption for purchase of goods. |

Data Nest...

विभाग की महत्वपूर्ण उपलब्धि

(राशि करोड़ रु. में)

| क्र.सं. | मद | 2008-09 | | 2009-10 | | प्रतिशत उपलब्धि |
|---------|----------------------------------|-----------------------------------|-----------------------|-----------------------------------|---|--------------------|
| | | राजस्व लक्ष्य वार्षिक(R.E.) | उपलब्धियाँ (Tent.) | राजस्व लक्ष्य वार्षिक(B.E.) | उपलब्धियाँ माह मई,2009 तक(Tent.) | |
| 1 | वैट | 9100.00 | 8894.03 | 10030.00 | 1489.01 | 14.85 |
| 2 | प्रवेश कर | 190.00 | 189.90 | 225.00 | 28.01 | 12.45 |
| 3 | मंनोरजन कर एवं विलासिता कर | 60.00 | 64.50 | 70.00 | 7.11 | 10.16 |

TAX TOPIC

CIRCULAR

Sub: Regarding requirement of furnishing of Form 'F' in case of job-work.

Prior to the Finance Act, 2002 (Act No. 20 of 2002) dated 11.05.2002, as per provisions of section 6A of the CST Act, 1956, to prove the movement of goods was occasioned as transfer of such goods other than by way of sale to any place out side the State, the requirement of furnishing of declaration in Form 'F' was not mandatory. This situation was changed w.e.f. 11.05.2002. Vide amendment dated 11.05.2002 in section 6A of the CST Act, 1956, where a dealer fails to furnish declaration in Form 'F', the movement of such goods shall be deemed to have been occasioned as a result of sale.

It has been brought to my knowledge that where the movement of goods has occasioned:

(i) for job work to be performed out side State; or

(ii) goods received for job-work and after performing the job work dispatched out side the State, assessing authorities are not asking for Form 'F', though it is mandatory to be furnished in the light of the provisions of section 6A of the CST Act, 1956.

It is, therefore, directed that in all such cases Form 'F' as provided under sub-rule (5) of rule 12 of the Central Sales Tax (Registration and Turnover) Rules, 1957 shall be asked for. In case a dealer fails to furnish the said declaration Form, action as per section 6A of the CST Act, 1956 should be initiated deeming that the transfer has occasioned as a result of sale.

Strict compliance of these directions should be made. The D.C. (Adm.) shall sort out such cases in his Zone and shall ensure that the action by the assessing authorities has

ई-रिटर्न

नवीनतम तकनीक एवं इन्टरनेट सुविधाओं में विस्तार से वाणिज्यिक कर रिटर्न अब इलैक्ट्रॉनिक रूप से फाइल किया जाना सम्भव है।

ई-रिटर्न क्या है ?

ई-रिटर्न वेब पोर्टल के माध्यम से इलैक्ट्रॉनिक रूप से रिटर्न जमा कराने की सुविधा है। रिटर्न दस्तावेज पूर्व तय किये गये फॉर्मेट में तैयार किये जाते हैं। और तैयार फॉर्मेट्स को डिजिटल हस्ताक्षर कर वेब पोर्टल के माध्यम से अपलोड किया जाता है।

ई-रिटर्न के लाभ

- शीघ्र प्रक्रिया
- सम्बन्धित कार्यालयों में बार-बार आने-जाने में कमी
- समय और धन की बचत
- कहीं भी और कभी भी फाइलिंग की सुविधा
- सुविधा 24 ग 7 समय उपलब्ध

ई-रिटर्न के लिए पूर्व आवश्यकताएं

- आपके घर अथवा कार्यालय में इन्टरनेट एवं कम्प्यूटर।

- टिन के उपयोग द्वारा विभागीय वेब पोर्टल पर साइन-अप।
- प्रमाणिक अधिकारी नियंत्रक के मान्यता प्राप्त ऐजेन्सीज में से किसी एक से डिजिटल हस्ताक्षर।

विभागीय पोर्टल से वैट/सीएसटी ई-रिटर्न दाखिल करने हेतु निम्न चरणों का पालन करें

- वाणिज्यिक कर विभाग के वेब पोर्टल पर लॉग ऑन करें।
- करदाता पहचान क्रमांक एवं पासवर्ड के द्वारा आप स्वयं को इस वेब पोर्टल पर साइन-अप करें।
- डिजिटल हस्ताक्षर प्रमाणिक अधिकारी नियंत्रक से प्राप्त करें।
- वैट अथवा सीएसटी में से अपना ई-रिटर्न चुनें।
- वेब पोर्टल पर उपलब्ध रिटर्न के पूर्व तय किये गये फॉर्मेट का उपयोग करें और अपनी रिटर्न तैयार करें।
- रिटर्न के दस्तावेजों पर डिजिटल हस्ताक्षर करें।
- हस्ताक्षरित दस्तोवज अपलोड करें, दस्तावेज दाखिल हो जाने पर आपको रसीद प्राप्त होगी।

परिवर्तित बजट 2009-10 के अनुसार Digital Signature की बाध्यता समाप्त कर दी गई है

Revenue leader of the month.

Profile of a leading tax payer

BPCL is a dealer registered in the Special Circle, Rajasthan. It deals in petroleum products i.e Petrol, Diesel, ATF, Naptha etc. It is the second highest tax payer in the state of Rajasthan. The last five years revenue figures are as follows:-

(Rs. in Crore)

| S.No. | Year | Revenue |
|-------|---------|---------|
| 1 | 2004-05 | 487.42 |
| 2 | 2005-06 | 558.49 |
| 3 | 2006-07 | 683.46 |
| 4 | 2007-08 | 716.50 |
| 5 | 2008-09 | 691.28 |

Presently, BPCL is making payment of tax electronically and rarely defaults in payment of tax. BPCL alone contributes 7.77 % of sales tax revenue of the state.

DISCLAIMER

The newsletter is for general information purposes only and the contents contained herein are not meant to constitute legal advice

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