

From The Excise and Taxation Commissioner,
Haryana, Chandigarh

To All Deputy Excise and Taxation Commissioners (ST),
In the State of Haryana

Memo No. 1037/S.T.1
dated Chandigarh, the 13th July, 2005

Subject: Assessment of cases for the year 2003-04

Please refer to this office instructions issued vide Memo No.2790/S.T.1 dated 13 December 2004 relating to constitution of circles and assessment under Haryana Value Added Tax Act, 2003 ('VAT Act'). It has been further decided that examination of returns relating to the year 2003-04 must be completed in the next eight weeks i.e. by the week ending 09.9.2005 (this means at least 20-25 cases have to be examined per day to complete examination of 800-1000 cases in the circle within the stipulated period) so that examination of returns for the current year 2005-06 can begin in right earnest as the last date for filing of returns for the 1st quarter of 2005-06 is 1.8.2005 and most of the returns would be received by then. Detailed instructions for examination of quarterly returns for Q.E. 30.6.2005 onwards are being issued separately. The present instructions relate only to returns for the year 2003-04.

2. You are aware that all cases except those selected for scrutiny (information uploaded on the website) will be deemed assessed if the returns are complete. It may be reiterated that a return is complete if it meets the following parameters –

- (i) The return contains data for computing tax liability and computation is arithmetically correct;
- (ii) It is accompanied by statutory lists and documents corresponding to non-zero entries made in the return;
- (iii) It is accompanied by proof of payment of tax; and
- (iv) It is signed by the dealer.

2.1. The spadework for checking completeness of a return will be done by the Taxation Inspector ('TI'). Record in respect of all the four quarterly returns in form VAT-R1 and Form I (CST) and annual return in form VAT-R2 will be put up by the RK to the TI. RK will also assist TI in examination. TI will check, in particular, correctness of TIN, EAC and computed values (marked with ✓ in the enclosed format of returns). He will then check the statutory lists mentioned in items 2B, 2C, 3A and 3B of VAT-R1 corresponding to non-zero entries made therein. He will also check that the return bears the signature of an authorized person. He will mark the checked values/entries with ✓ and after checking is complete will make an endorsement to this effect by writing at the bottom last page of the return "Checked on _____", giving date of checking and sign the same and will prepare a checklist in the enclosed format and submit the returns with the checklist to the Excise and Taxation Officer incharge of the circle ('Circle officer').

2.2. Circle officer will satisfy himself about the checking made by TI and if he finds everything in order, he will file the cases as deemed assessed and post the same in the 'Demand & Disposal Register' maintained by him. The entry of the same shall also be made in VAT G-8 and Pendency-cum-Institution Register.

3. In order to keep permanent record of examination of returns from the angle of their completeness, checklist will be prepared in respect of each examined case for the year 2003-04 including those which have already been examined and filed as deemed assessed. The checklist will be in duplicate. Every Circle officer shall on every Monday furnish the duplicate copy of the checklist prepared by him in respect of examination of tax returns for the year 2003-04 completed during the last week (Monday to Friday) to the Deputy Excise and Taxation Commissioner (ST) of the district ('DETC (ST)'). Circle officer shall also prepare a summary of the work done by him in the following format:

Report of examination of tax returns for the year 2003-04 completed during the last week (Monday to Friday) ending on _____ (date)

Name of ETO incharge of Circle _____

Circle Name / No. _____ District _____

No. of total cases in the circle _____ No. of cases selected for scrutiny _____

No. of cases	1 st week ending 22.7.05	2 nd week ending 29.7.05	3 rd week ending 5.8.05	4 th week ending 12.8.05	5 th week ending 19.8.05	6 th week ending 26.8.05	7 th week ending 02.9.05	8 th week ending 09.9.05
Examined								
Deemed assessed as returns found complete								
Action initiated for completing returns								

Date _____

Signature of ETO incharge

4. DETC (ST) will examine the reports submitted to him and he will check at least 50 cases or 5% of the cases reported to him every week, whichever is less. He will also prepare a summary of the cases reported to him in the following format –

Report of examination of tax returns for the year 2003-04 completed during the last week (Monday to Friday) ending on _____ (date) in respect of district _____.

Name of DETC _____

Sr. No.	Name of the ETO Incharge of the circle	No. of cases for 2003-04 in the circle	No. of cases selected for scrutiny out of cases in col.3	No. of cases examined out of cases in col.3 except col.4	Cases assessed (deemed) out of cases in col. 4 as returns found complete.	Action initiated for completion of tax returns out of cases in col.5 except cases in col.6
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						
2.						
...						

Date _____

Signature of DETC

5. DETC (ST) will send copies of the above statement to Joint Excise and Taxation Commissioner (Range) ('JETC-R') and the Excise and Taxation Commissioner ('ETC') along with list of cases he has checked giving their names, TIN, his remarks and date of checking within a week i.e. the report for the week ending 22.7.2005 should be sent to JETC-R and ETC by 29.7.2005 and so on. DETC (ST) will invariably record his remarks on the proceedings-sheets of the cases that he has checked.

6. JETC-R will check the statement sent to him and he will check at least 50 cases or 2% of the cases mentioned in cols.6 & 7 of the statement, whichever is less, and send a list of such cases giving their names, TIN, his remarks and date of checking to ETC every two weeks. The report for the two weeks ending 29.7.2005 should be sent by 12.8.2005 and so on. JETC-R will invariably record his remarks on the proceedings-sheets of the cases that he has checked.

7. At the district office, information contained in the checklist will be digitized for permanent record (detail instructions for the purpose will follow) and at the head office, the statements received will be digitized and a district wise consolidated statement for the State will be put to ETC for his kind perusal.

8. It may be reiterated that the last date for issuing notice for scrutiny assessment in VAT cases relating to the year 2003-04 is 30.11.2005, so Circle officer will issue such notices in each case of 2003-04 selected for scrutiny assessment except cases of fall in turnover for which instructions will be issued separately and in all cases where returns for 2003-04 have not been completed after giving opportunity of completion. Such notices must be served before 15th September, 2005.

9. Receipt of this letter be acknowledged.

Addl. Excise and Taxation Commissioner (ST-II)
for Excise and Taxation Commissioner, Haryana,
Chandigarh

Endst. No. 1038/ST-1, dated 13th July, 2005

A copy is forwarded to the following for information and necessary action ?

- (i) All Additional Excise and Taxation Commissioners,
- (ii) All Joint Excise and Taxation Commissioners (Range) / (Appeal),
- (iv) All Deputy Excise and Taxation Commissioners (X), in the State,
- (v) All other Officers in the Head office,
- (vi) PS/ETC for kind information of ETC, Haryana, Chandigarh.

Addl. Excise and Taxation Commissioner (ST-II)
for Excise and Taxation Commissioner, Haryana,
Chandigarh

Checklist in respect of VAT and CST returns for the year 2003-2004

District: _____ **Circle:** _____

Name of ETO: _____ **Week ending:** _____

1.	Name							TIN	0	6											
Nature of business													EAC								
Act	GTO	TTO	Tax computed on TTO	Tax adjusted	Tax payable [(4) - (5)]	Tax paid															
(1)	(2)	(3)	(4)	(5)	(6)	(7)															
VAT																					
CST																					
Returns are Complete			Yes	No	Notice issued for completion					Yes	No										

2.	Name							TIN	0	6											
Nature of business													EAC								
Act	GTO	TTO	Tax computed on TTO	Tax adjusted	Tax payable [(4) - (5)]	Tax paid															
(1)	(2)	(3)	(4)	(5)	(6)	(7)															
VAT																					
CST																					
Returns are Complete			Yes	No	Notice issued for completion					Yes	No										

3.	Name							TIN	0	6											
Nature of business													EAC								
Act	GTO	TTO	Tax computed on TTO	Tax adjusted	Tax payable [(4) - (5)]	Tax paid															
(1)	(2)	(3)	(4)	(5)	(6)	(7)															
VAT																					
CST																					
Returns are Complete			Yes	No	Notice issued for completion					Yes	No										

4.	Name							TIN	0	6											
Nature of business													EAC								
Act	GTO	TTO	Tax computed on TTO	Tax adjusted	Tax payable [(4) - (5)]	Tax paid															
(1)	(2)	(3)	(4)	(5)	(6)	(7)															
VAT																					
CST																					
Returns are Complete			Yes	No	Notice issued for completion					Yes	No										

5.	Name							TIN	0	6											
Nature of business													EAC								
Act	GTO	TTO	Tax computed on TTO	Tax adjusted	Tax payable [(4) - (5)]	Tax paid															
(1)	(2)	(3)	(4)	(5)	(6)	(7)															
VAT																					
CST																					
Returns are Complete			Yes	No	Notice issued for completion					Yes	No										

Date:

Signature of ETO

- Note – 1. EAC must correspond to nature of business and will be determined afresh.
 2. Write figures in table against ‘VAT’, ‘CST’ using separator ‘,’ e.g. 5,18,36,795
 3. Mark ‘Yes’ or ‘No’, by ticking (✓) the relevant box.

VAT-R1

(See rule 16)

D D - M M - Y Y

Original/Duplicate copy of return for the quarter/month ended on:

		-			-		
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1. Dealer's identity

Name and style of business	M/S						
Address						Contact No.	
✓ TIN	0	6				✓ Economic Activity Code	

2. Gross turnover, taxable turnover of sales & computation of tax (See sections 2(1)(u), 3, 6 & 7 of the Act)

(a) Description	(b) Value of goods	(c) Lists appended to the return
2A. Sale price received/receivable in respect of goods sold plus value of goods exported out of State or disposed of otherwise than by sale or sent for sale to local agents (VAT dealers)		
2B. Deductions		
(1) Sale outside the State (of goods purchased outside the State)		LS-1
(2) Sale in the course of inter-State trade		LS-2
(3) Sale in the course of import into India		LS-3
(4) Sale in the course of export out of India		LS-4
(5) Sale of exempted goods in the State		
(6) Sale of goods to UNICEF, UNTAB, WHO, other prescribed UN bodies, foreign missions		LS-5
(7) Value of goods sent for sale to local agents (VAT dealers)		LS-6
(8) Value of goods exported out of State (Consignment transfers)		LS-7
(9) Value of goods disposed of otherwise than by sale		LS-8
(10) Total of (1) to (9)	✓	
2C. Taxable turnover of sales 2A(c) – 2B(9)(c)		LS-9

2D.	✓(a) Break-up of 2C according to rate of tax	(b) Effect of return of goods & (de-)/escalation [LS-10]	✓(c) Net taxable turnover [(a) ± (b)]	✓(d) Rate of tax	✓(e) Tax amount [(c) X (d)]
(1)					
(2)					
(3)					
(4)					
(5)	Total tax amount				

3. Purchase, import & receipt of goods and computation of tax paid on purchases made in the State

3A. (a) Description	(b) Lists appended to return	(c) Amount	(d) Stock as on 31 st Mar. last - To be given with return ending 31 st Mar.
Aggregate of price/value of goods, –			
(1) Purchased outside the State (for sale outside)	LP-1		
(2) Purchased in the course of export out of India	LP-2		
(3) Purchased in the course of inter-State trade	LP-3		
(4) Purchased in the course of import into India	LP-4		
(5) Imported into State	LP-5		
(6) Received for sale from dealers regd. under VAT	LP-6		
(7) (i) Purchases from VAT dealers on tax invoice	LP-7		
(ii) Other purchases in the State			
(8) Total of rows (1) to (7)			

3B.	✓ (a) Break-up of 3A(7)(i) according to rate of tax	(b) Effect of return of goods & (de-)/escalation [LP-8]	✓ (c) Net purchases [(a) ± (b)]	✓ (d) Rate of tax	✓ (e) Tax paid [(c) X (d)]
(1)					
(2)					
(3)					
(4)					
(5)	Total tax paid				✓

4. Aggregate of tax levied on sale or purchase 5. Computation of input tax (See section 8 of the Act)

(1)	Sale tax 2D(5)	✓	(1)	Tax paid on purchases made in the State 3B(5)	✓
(2)	Purchase tax 11(4)(d) Page 3	✓	(2)	Less tax paid, not part of input tax 10G(3)(g) Page 3	✓
(3)	Total tax (1) + (2)	✓	(3)	Input tax (1) – (2)	✓

6. Tax payable, refundable or adjustable (See section 20 of the Act)

(1)	Tax payable 4(3) – 5(3)	✓	Note:- If 6(1) is a negative value, the absolute value thereof will first be adjusted against tax payable under the CST Act, if any and the balance carried forward for adjustment with future tax liability but refund may be claimed in case of- (i) export of goods out of India, (ii) difference in rate of tax or (iii) inadvertent excess payment of tax, by making an application.
(2)	Tax adjusted under CST Act		
(3)	Refund claimed		
(4)	Excess carried forward		

Date:

✓ [Signature of authorised person]

7. Details of tax deposited

Sr. No.	Name of treasury where tax deposited or Bank on which DD / Pay order drawn or Office from where RAO issued etc.	Treasury receipt (TR) / DD / PO / RAO				For office use	
		Type of Instrument	No.	Date	Amount	DCR No.	Date
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							
(7)	Excess paid brought forward from last return						
(8)	Total of rows (1) to (7)				✓		

8. Account of forms printed under the Government authority/ required to be authenticated by the assessing authority

Sr. No.	Type of Form	Opening stock at the beginning of the return period	Blank forms received or authenticated during the return period	Number of forms used during the return period	Aggregate of amount of transactions for which forms used
(2)	VAT-38(Out)				
(3)	VAT-				
(4)	C				
(5)	E-I				
(6)	E-II				
(7)	F				
(8)	H				

9. Statutory declarations and certificates received from other dealers furnished with the return

Sr. No.	Type of form	No. of forms furnished	Aggregate of amount of transactions for which forms furnished	Sr. No.	Type of form	No. of forms furnished	Aggregate of amount of transactions for which forms furnished
(1)	VAT-38(out)			(7)	C		
(2)	VAT-			(8)	D		
(3)	VAT-			(9)	E-I		
(4)	VAT-			(10)	E-II		
(5)	VAT-			(11)	F		
(6)	VAT-			(12)	H		

Declaration

I, _____ (name in CAPITALS), hereby, solemnly affirm that I am authorised to furnish this return and all its contents including tables 10 & 11, lists, statements, declarations, certificates & other documents appended to it or filed with it are true, correct and complete and nothing has been concealed therein.

Place:

Date: ✓[Signature]

Status: Tick (✓) applicable [Karta, proprietor, partner, director, president, secretary, manager, authorised officer]

(For use in the office of the assessing authority)

(1) Date of data entry in VAT-register/Computer:

(2) Signature of the official making the data entry:
(Affix stamp of name & designation)

(3) Signature of the assessing authority with date:
(Affix stamp of name & designation)

Acknowledgement

The undersigned acknowledges having received the original of this return on the date mentioned below:

(1) Date of receipt of return: (2) [Signature with stamp of name & designation of receipt clerk]

Note:- 1. Reference to sections or schedules in the Act in the return is indicative and not comprehensive.

2. A dealer who has not dealt goods in the circumstances specified in Schedule E or section 3(3) of the Act during the return period, does not have to fill in the next page of the return.

10. Computation of tax paid in respect of goods purchased in the State from VAT dealers on tax invoice which is not to form part of input tax (See section 8(1) and Schedule E to the Act)

Circumstances in which tax paid in respect of purchase of certain goods not to form part of input tax	Purchase value
(a)	(b)
A. Petroleum based fuels & natural gas purchased from VAT dealers on tax invoice and not resold	
B. Capital goods purchased from VAT dealers on tax invoice,	
(1) For use mainly –	
(i) In the manufacture of exempted goods;	
(ii) In mining;	
(iii) In the telecommunications network;	
(iv) In the generation and distribution of electric energy or other form of power;	

(2) Which forms part of gross block on the day cancellation of registration certificate takes effect	
C. Paddy purchased from VAT dealers on tax invoice when such paddy or rice manufactured therefrom is sold in the course of export out of India.	
D. Rice purchased from VAT dealers on tax invoice when sold in the course of export out of India	
E. All goods, except mentioned at A & B above, purchased from VAT dealers on tax invoice when,-	
(1) Used in the telecommunications network, in mining or in the generation and distribution of electricity or other form of power	
(2) Exported out of State;	
(3) Disposed of otherwise than by sale;	
(4) Used in manufacture or packing of exempted goods (except when such goods are sold in the course of export out of India);	
(5) Used in manufacture or packing of taxable goods, which goods are, —	
(i) exported out of State; or	
(ii) disposed of otherwise than by sale;	
(6) Left in stock, whether in the form purchased or in manufactured or processed form, on the day cancellation of the registration certificate takes effect.	
F. Total of A to E	
G. Calculation of input tax at different rates	(b) (c) (d) (e) (f) (g)=Total (b) to (f)
(1) ✓ Break-up of F(b) acc. to tax rates	✓
(2) ✓ Rate of tax	
(3) ✓ Input tax to be reversed (1) x (2)	✓

Note:- Where any goods purchased in the State are used or disposed of partly in the circumstances mentioned in column (a) against entries **A to E** above and partly otherwise, the purchase value of such goods shall be computed pro rata.

11. Purchase tax (See section 3(3) of the Act)

Circumstances in which purchase tax levied		Purchase value of goods taxable at different rates	✓ Rate of tax	Purchase tax
(a)		(b)	(c)	(d)
(1)	Taxable goods purchased in the State without payment of tax when such goods or the goods manufactured therefrom are either exported out of State or used or disposed of (except when sold in the course of export out of India) in a manner that no tax or CST is payable to the State	(i)		
		(ii)		
(2)	Goods purchased in the State at lower rate of tax for specified purposes but not made use of for the said purposes Tax computed under proviso to section 7(5)	(i)		
		(ii)		
(3)	Paddy purchased in the State without payment of tax when such paddy or the rice manufactured therefrom is exported out of India			
(4)	Total [(1)(i) + (1)(ii) + (2)(i) + (2)(ii) + (3)]	✓		✓

Note: Where any goods purchased in the State are used or disposed of partly in the circumstances mentioned in column (a) against entries at serial number (1) and (2) above and partly otherwise, the purchase tax leviable on such goods shall be computed pro rata.

Date:

✓[Signature of authorised person]

FORM-1

Form of Return under Rule 7-A of the Central Sales Tax (Haryana) Rules, 1957

Return for the period from: to:

Registration Mark and No.

Name of the dealer

Status (Whether individual, Hindu undivided family, association, club, firm, company, guardian or trustee.)

Style of the business

	Rs.
1. Gross amount received or receivable by the dealer during the period in respect of sales of goods
Deduct –	
(i) Sales of goods outside the State (as defined in Section 4 of the Act)	(-)
(ii) Sales of goods in course of export outside India (as defined in Section 5 of the Act)	(-)
(iii) Turnover of goods transferred outside the State as defined in section 6A(1)	(-)
✓ 2. Balance – Turnover of inter-State sales and sales within the State	
[1 – (i) – (ii) – (iii)]
Deduct – Turnover of sales within the State	(-)
✓ 3. Balance – Turnover of inter-State sales	
[2 – Deduct]
Deduct – Cost of freight, delivery or installation when such cost is separately charged	(-)
✓ 4. Balance – Total Turnover of inter-State sales	
[3 – Deduct]
Deduct –	
(i) Turnover of inter-State sales of goods unconditionally exempt from tax under <i>*the East Punjab General Sales Tax Act, 1948</i>	(-)
(ii) Turnover of sales of goods returned by the purchaser within a period of <i>(three months under rule 11(2)(b) of the Central Sales Tax (Registration and Turnover) Rules, 1957.)**</i>	(-)
(iii) Turnover in respect of subsequent sales falling under clauses (a) and (b) of section 6(2) of the Act.	(-)
✓ 4-A. Balance – Taxable turnover in respect of inter-State sales	
[4 – (i) – (ii) – (iii)]
5. Goods-wise break-up of above	

A. Declared goods

- (i) Sold to registered dealers on prescribed declaration, vide declaration attached
- (ii) Sold otherwise

B. Other goods –

- (i) Sold to registered dealers on prescribed declaration, vide declaration attached
- (ii) Sold otherwise

✓ Total [5 A {(i) + (ii)} + B {(i) + (ii)}]

- ✓6. (i) Taxable at.....per cent Rs., on which tax amounts to Rs.
- (ii) Taxable at.....per cent Rs., on which tax amounts to Rs.
- (iii) Taxable at.....per cent Rs., on which tax amounts to Rs.
- (iv) Taxable at.....per cent Rs., on which tax amounts to Rs.
- (v) Taxable at.....per cent Rs., on which tax amounts to Rs.
- (vi) Taxable at.....per cent Rs., on which tax amounts to Rs.

✓7. Total tax payable on Rs.amount to Rs.

8. Tax paid, if any, by means of Treasury challan/Cheques/Draft

No., datedRs.

✓9. Balance due/excess paid, if any Rs.

✓1. I enclose with this return the original copy of each of the declarations received by me in respect of sales made to registered dealers, together with a signed list of such declarations and statement under sub-rule (3) of rule 8.

2. I declare that the statements made and particulars furnished in and with this return are true and complete.

Place..... Signature.....

Date..... Status.....

* Since repealed, read in its place “The Haryana Value Added Tax Act, 2003” in the light of Sec. 6 of The Punjab General Clauses Act, 1898.

** Since the sub-rule referred therein omitted, read in its place “six months from the date of delivery of the goods under Sec. 8A of the Central Sales Tax Act, 1956.”

ACKNOWLEDGEMENT

Received from, a dealer possessing
Registration Certificate No. a return of sales tax payable by him for the
period from towith enclosures mentioned therein.

Place.....

Date.....

Receiving officer