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FINANCE DEPARTMENT

NOTIFICATION

The 26th September 2006

S.R.O. NO.530/2006—In exercise of the powers conferred by clause (I) of sub-section (2) of Section 106 of the Orissa Value Added Tax Act, 2004 (Orissa Act 4 of 2005) (hereinafter referred as OVAT ACT), the Government do hereby direct that a registered dealer, who was eligible to the benefit of, or was entitled to exemption from payment of sales tax as specified in serial Nos. 42, 42A, 43, 43A, 44, 44A, 45, 45A, 46 and 46A of the Schedule to the notification of the Government of Orissa in the Finance Department No. 20206-CTA-14/76-F., dated the 23rd April 1976, (hereinafter referred to as said notification) as amended from time to time, issued in exercise of powers conferred under section 6 of the Orissa Sales Tax Act, 1947, (hereinafter referred to as the Repealed Act) as on the 31st day of March 2005, shall, on and from the 1st day of April 2005, be allowed the benefit of deferment of payment of tax collected and payable under the OVAT Act on sale of its finished products in lieu of such exemption as specified in respective serial Nos. of the said notification subject to such restrictions and conditions as specified below :—

Restrictions and Conditions governing deferred payment of tax

1. The deferred payment of value added tax shall be available in respect of the net tax payable by the registered dealer after setting off of input tax paid by him on purchase of raw materials for use in manufacturing or processing, when such goods directly go into the composition of finished products, and packing materials and spare parts against the out put tax collected by such dealer on sale of finished products.
2. The deferred amount of tax for each year shall be paid in equal monthly or quarterly instalments, as specified in Form II annexed hereto starting from the date following the expiry of the period of deferment.

3. The total period of deferment available to the registered dealer shall be the unexpired period of exemption from payment of sales tax available to him under the said notification as on the 1st April 2005. For this purpose a part of the month will be rounded off to the last day of the quarter i.e. 30th June, 30th September, 31st December and 31st March.

4. The maximum limit of deferment from payment of tax under this notification in respect of registered dealer shall be the same as has been specified in respective serial Nos. of the said notification, under which such dealer was availing such benefits as on the 31st March, 2005. The quantum of deferment benefit shall not exceed the ceiling fixed under the said notification.

5. The registered dealer claiming deferment of tax under this notification shall file an application within three months from the date of issue of this notification in the proforma annexed hereto as Form I before the Assistant Commissioner of Sales Tax or the Sales Tax Officer having jurisdiction, as the case may be, giving details of the extent, period and quantum of sales tax exemption availed by him under the Repealed Act and the rules made thereunder and the balance to be availed.

6. The Assistant Commissioner of Sales Tax or Sales Tax Officer, as the case may be, having jurisdiction, if satisfied that the applicant has sufficient cause for not submitting the application within the stipulated period, may accept the application for consideration after recording reasons therefor and in case of any deficiency in submitting the information or any dispute on the information so furnished, the authority to whom such application is made, shall give an opportunity to the dealer in writing to make good the deficiencies.

7. The Assistant Commissioner of Sales Tax or Sales Tax Officer, as the case may be, having jurisdiction shall, after verification of the documents relating to exemption of tax under the Repealed Act and the information furnished by the registered dealer, issue the permission for deferment in Form II allowing the registered dealer to defer payment of tax for such amount and period as may be specified in the said permission.

8. The Assistant Commissioner of Sales Tax or Sales Tax Officer having jurisdiction, as the case may be, shall withdraw the permission granted in favour of the registered dealer for deferred payment of tax on the happening of any of the following events, namely :—

- (i) Failure to make payment of the deferred dues, at any point of time as per the period specified in the Schedule appended to the order permitting deferred payment of tax in Form II.

- (ii) Change of the location of whole or any part of the industrial unit to effect any substantial alteration or disposal of any substantial part of the total capital investment before payment of deferred tax dues.
- (iii) Information furnished in the application for deferment in Form-I subsequently found to be false or incorrect.
- (iv) Initiation of any distress or execution proceeding upon any property of the registered dealer or any part of its assets or appointment of a receiver thereof.
- (v) Adjudication of the registered dealer or any of his partner as insolvent or filing of petition for being adjudicated as insolvent.
- (vi) Passing resolution by the registered dealer for winding up the industrial unit before passing of orders by any competent court for such winding up.
- (vii) Cessation of production activities before payment of deferred tax dues.

9. The Assistant Commissioner of Sales Tax or Sales Tax Officer, as the case may be, having jurisdiction in case of occurrence of any of the events as aforementioned shall pass order revoking the permission granted for deferred payment of tax indicating the reasons for and date of revocation and serve the same upon the dealer along with a notice of demand prescribed under sub-rule (1) of rule 54 of the Orissa Value Added Tax Rules, 2005. and for realization of the deferred dues, the provisions of sub-sections (4) to (8) of Section 50 OVAT Act, shall apply.

10. Subject to the provisions of the OVAT Act, and the rules made thereunder and the notifications of the Government of Orissa in the Finance Department No. 7352-CTA-5/99-F., and 7355-CTA-5/99-F., dated the 17th February, 2000 issued under the Repealed Act, all the conditions specified in column (3) against each such Serial No. 42, 42A, 43, 43A, 44, 44A, 45, 45A, 46 and 46A of the said notification other than the conditions specifically provided under this notification, shall be deemed to remain valid and apply to the registered dealer concerned who was entitled to avail deferred payment of tax under this notification.

FORM I

Application for deferred payment of Sales Tax Under Section 106 (2) (I) of the Orissa Value Added Tax Act, 2004

Date	Month	Year

01. Office Address

02. TIN

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03. Name and Address

04. Status of the Industrial unit.
(Whether medium, large, SSI etc. Please Specify whether priority, pioneer, labour intensive, etc)

05. Name of the authority who certified the status.
(Copy of documents i.e. PMT certificate, etc to be enclosed)

06. Date from which Fixed Capital Investment (FCI) was commenced / Date from which additional Fixed Capital Investment was commenced in case of E/M/D (Expansion/Modernisation / Diversification)

(Copy of documents in support of Date of FCI / date of additional FCI to be enclosed)

07. Amount of FCI / amount of additional FCI
incase of industries undertaken E/M/D

Rs.	(figure)
Rupees	(words)

08. Descriptions of Goods manufactured by
the industrial unit.

1.
2.
3.
4.

09. Date of Commercial Production or date of
increased Commercial Production, as the
case may be.

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*(Copy of PMT certificate & Eligibility
certificate in support of C.P. or increased
C.P. to be enclosed)*

10. Exemption availed pursuant to IPR.
(Please put ' ' mark in appropriate box)

IPR-92	IPR-96

11. Serial No. of the Schedule to the notification of the Government of Orissa in Finance
Department No.20206-CTA-14/76-F., dated the 23rd April, 1976 issued under the
Repealed Act and the relevant Notification No. under which the exemption availed.

SL No.	F.D. Notification No. & Date
--------	------------------------------

12. Period of exemption for
which dealer is eligible to get
sales tax exemption under
the repealed Act

	Date	Month	Year		Date	Month	Year
From				To			

13. Period of exemption for which exemption has already been availed by the dealer under the said notification issued under Repealed Act.

		Date	Month	Year			Date	Month	Year
From					To				

14. Balance unexpired period of exemption as on 01-04-2005.

		Date	Month	Year			Date	Month	Year
From					To				

15. Maximum (ceiling) limit of exemption available to the dealer under Repealed Act.

16. Total Amount of exemption admissible under the Repealed Act.

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17. Amount of exemption already availed under Repealed Act.

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	On purchases		On sales		Total
Rs.		Rs.		Rs.	

18. Balance amount of tax exemption as on 1-4-2005 (col. 16 - col. 17)

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19. Any other particulars of the Industrial Unit

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VERIFICATION

I, Sri/Smt. _____ Son/daughter/wife of Sri _____ (Status) _____ of the business M/s. _____ bearing TIN _____ do hereby solemnly affirm that the particulars as true to be best of my knowledge and belief.

Place _____

Signature
(status)

Date _____

Seal:

FORM II

Permission for deferred payment of tax under the Orissa Value Added Tax, 2004 in lieu of exemption under the Repealed Act

Date	Month	Year

01. Office Address

02. TIN

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03. Name & Address

04.

Your application, dated _____ in Form II for deferred payment of tax under section 106(2) (1) of the OVAT Act, 2004, in lieu of exemption of sales tax under the Repealed Act, has been verified with reference to the conditions and restrictions specified in Col. (3) against Serial No.42 or 42A or 43 or 43A or 44 or 44A or 45 or 45A or 46 or 46A of the schedule to the Notification No. 20206-CTA-14/76-F., dated the 23rd April 1976 and subsequent amendments made to the said entries from time to time and those contained in the F.D. Notification No. _____ Dt. _____.

05.

You are allowed to avail deferred payment of tax for a period of _____ years subject to the ceiling amount of Rs. _____ (Rupees _____). The period of deferment commences on 01-04-2005 and expires on Dt. _____.

06.

You are required to pay the deferred amount to tax for each year in equal monthly instalments starting from the date following the expiry of the period of deferment as per the payment schedule below:

or

07. You are required to pay the deferred amount to tax for each year in equal quarterly instalments starting from the date following the expiry of the period of deferment as per the payment Schedule below:

SCHEDULE

1. Deferred payment of Tax for total period from

Date	Month	Year

 To

Date	Month	Year

2. Date of payment of 1st instalment of deferred tax.

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3. Date of payment of last instalment of deferred tax.

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4. Date of payment of monthly instalment of deferred tax.

Year	200.... To 200...			200.... To 200...			200.... To 200...			200.... To 200...			200.... To 200...		
Date of payment of															
1st instalment															
2nd instalment															
3rd instalment															
4th instalment															

08. The permission for deferred payment of tax is subject to the conditions and restrictions contained in the Notification of the Govt. of Orissa in the Finance Deptt. No. _____ Dt. _____.

Assistant Commissioner of Sales Tax / Sales Tax Officer

Range

Circle

[No.40563/2006/F.]

By order of the Governor

P.K. ROUT
Under-Secretary to Government