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FINANCE DEPARTMENT

NOTIFICATION

The 30th November, 2010

S.R.O.No.561/2010—The following draft of certain rules which the State Government propose to make in pursuance of Section 37 of the Orissa Entry Tax Act, 1999 (Orissa Act 11 of 1999) further to amend the Orissa Entry Tax Rules, 1999 is hereby published as required by sub-section (1) of the said Section of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of the period of 15 days from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before expiry of the period so specified above will be considered by the State Government.

1. (1) These rules may be called the Orissa Entry Tax (2nd Amendment) Rules, 2010.
(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Entry Tax Rules, 1999 (hereinafter referred to as the said rules), in rule 3, for sub-rule (4), the following shall be substituted namely:—

“(4) (a) Goods specified in Part-I and Part-II of the schedule to the Act shall be exigible to tax at a concessional rate of fifty per centum of the rate to which such goods are exigible under sub-rule (3) and sub-rule (2) when such goods are brought for use as raw material by a manufacturer on first entry into a local area of the State; from outside the State or from another local area:

Provided that when the Scheduled goods referred to above are purchased from another manufacturers within the State located in another local area, the buying manufacturer shall furnish a declaration in Form E-15 to the selling dealer and in other cases, such declaration shall be furnished in Form E-15A by the buying dealer along with the return for the tax period in which the transaction takes place.

(b) When the goods specified in the Schedule are brought for export out of the territory of India or for use as raw material for manufacturing goods to be exported out of the territory of India, the rate of tax payable under Section 3 or Section 26 or both of the Act shall be zero per cent:

Provided that when entry of Scheduled goods is caused after purchasing the same from a manufacturer located in another local area within the State the buying dealer shall furnish a declaration in Form E-16 to the selling dealer and in other cases, such declaration shall be furnished in Form E-16A by the buying dealer along with the return for the tax period in which the transaction takes place.

(c) In cases where the buying dealer availing concessional rate of tax as provided in clause (a) or zero rate of tax as provided in clause (b) contravenes the declaration furnished in Form E-15 or E-15A or both, or E-16 or E-16A or both and utilises the Scheduled goods so brought for the purpose other than what was declared at the time of causing entry, he shall pay the difference in tax or the tax, as the case may be, had he not been entitled to concessional rate of tax or zero rate of tax at the time of causing entry.

EXPLANATION:—

For the purpose of this sub-rule the word 'Manufacturer' shall mean and shall always be deemed to have meant a manufacturer who is registered under the Act.

3. In the said rules, in rule 10, in sub-rule (1),—

(i) in clause (a), and the proviso thereto, the word and symbol "Deputy" shall be inserted before the words "Assistant Commissioner" wherever occur;

(ii) for clause (c), the following shall be substituted, namely: —

"(c) from such date and in such manner as may be prescribed by the Commissioner by notification, the return required to be furnished under clause (a) or (b) of sub-rule (1), sub-rule (2) and sub-rule 2A may also be filed electronically.";

(iii) after clause (c), the following clauses shall be inserted, namely: —

"(d) The Commissioner may, by notification specify the date from which all or a certain class of dealers shall, subject to such conditions as may be specified, submit return through the electronic mode only,

(e) Every dealer who claims to have made sales against Declarations in Form E-15 or E-16 or both shall, in respect of such claim, furnish the original Declaration Forms received by him from the purchasing dealer and a statement in Form E-3A indicating particulars of sale of Scheduled goods made against declaration in Forms E-15 and E-16 along with the return.";

- (iv) in sub-rule (2), in clause (a), the word and symbol “Deputy ” shall be inserted before the words “Assistant Commissioner”;
- (v) in clause (c), the word and symbol “Deputy ” shall be inserted before the words “Assistant Commissioner”;
- (vi) after sub- rule (2), the following sub-rule shall be inserted, namely: —
 “(2A) in addition to the returns filed under sub-rule (1) and subject to sub-rule (2) every dealer registered under the Act shall furnish an annual return within six months from the end of the year in such form as will be prescribed by the Commissioner by notification.”;
- (vii) in sub-rule (3), in clause (a), the word and symbol “Deputy ” shall be inserted before the words “Assistant Commissioner”;
- (viii) in sub-rule (4), in clause (a), the symbol and the words, “or the date of assessment, whichever is earlier” appearing therein shall be omitted; and
- (ix) in clause (b), after the words “receipted challan”, the words “or e-challan” shall be inserted.

4. In the said rules, in rule 32, in sub-rule (1), —

- (i) in the proviso to clause (c), for the symbol full-stop “(.)”, the symbol and word “;or” shall be substituted;
- (ii) after clause (c), the following clause shall be added, namely: —
 “(d) by sending it by fax message or by electronic mail service if any such address is furnished to the Department”; and
- (iii) after sub-rule (2), the following sub-rule shall be added, namely: —
 “(3) Where the authority issuing notice is satisfied that there is reason to believe that the dealer or the person to whom the notice is issued is keeping out of the way for the purpose of avoiding service or that for any other reason the notice can not be served in the ordinary way, in such cases, orders may be passed for service by advertisement in a daily newspaper circulating in the locality in which the dealer or the person to whom the notice is issued is last known to have resided, carried on business or personally worked for gain.”

5. In the said rules, for Form "E-3", the following Form shall be substituted, namely: —

"Form E 3

RETURN

[See sub-rules (1) and (2) of rule 10]

PART-A

1.	TIN/SRIN/Identification No.											
2.	Period covered by the return											
	From	Date	Month	Year	To	Date	Month	Year				
3.	Name and style of the business											
4.	Address											
	Pin						Fax					
	Phone No.						E-Mail					

PART-B

5.	Total value of goods purchased/received (scheduled+non-scheduled goods).	Rs.
6.	Value of scheduled goods purchased/received within the local area.	Rs.
7.	Purchase value of scheduled goods brought into the local area	Rs.
8.	Purchase value of scheduled goods brought into the local area in respect of which entry tax has been levied at earlier stage (Details to be furnished in Form E 1).	Rs.
9.	Purchase value of scheduled goods brought into the local area but sent as such outside Orissa otherwise than by way of sale.	Rs.
10.	(a) Purchase value of scheduled goods brought by a manufacturer for use of the same as raw materials purchased against declaration in Form E-16 and/or E-16 (a) where finished products made out of such raw materials are to be exported out of the territory of India.	Rs.
	(b) Purchase values of scheduled goods brought into the local area for export out of the territory of India against declaration in Form 16 and/or 16-A.	Rs.
	(c) Total [(a) + (b)]	Rs.
11.	Total of Col. 08, 09 & 10 (c)	Rs.

12. Balance purchase value of goods (Sl. Nos. 07-11) on which Entry Tax is payable. Rs.

13. Break up of purchase value (Col. 12) on which Entry Tax is payable (to be filled up by dealer other than manufacturer).

(1)	Name of Goods (2)	Purchase Value (3)	Amount of Entry Tax (4)
Part I scheduled goods subject to tax @ 1%			
Part II scheduled goods subject to tax @ 2%			
	Total		

14. Details of purchase value of raw materials on which Entry Tax is payable (to be filled up by manufacturer)

(1)	Name of Goods (2)	Purchase Value (3)	Amount of Entry Tax (4)
Part I scheduled goods purchased for use as raw materials subject to concessional rate of tax @ 0.5% .			
Part II scheduled goods purchased for use as raw materials subject to concessional rate of tax @ 1% .			
	Total		

(attach additional sheets, if required)

15. Details of purchase value of scheduled goods other than raw materials on which Entry Tax is payable. (to be filled up by manufacturer)

(1)	Name of Goods (2)	Purchase Value (3)	Amount of Entry Tax (4)
Part I scheduled goods subject to tax @ 1%			
	<i>(i)</i>	Total	
Part-II scheduled goods subject to tax @ 2%			
	<i>(ii)</i>	Total	
<i>(iii)</i>	Grand Total [(i)+(ii)]		

16. Total Entry Tax [Total of Col. 13(4)+14(4)+15(4)] payable on purchase. Rs.

PART-C

(to be filled in addition to Part B if the dealer is a manufacturer of scheduled goods)

17. Total sale value of finished products which are scheduled goods. Rs.
18. Sale value of finished products which are scheduled goods sold within the same local area. Rs.
19. Sale value of finished products which are scheduled goods sold in course of inter-state trade and commerce. Rs.
20. Sale value of finished products which are scheduled goods sold in course of export out of the territory of India. Rs.
21. Sale value of finished products which are scheduled goods sent outside Orissa otherwise than by way of sale. Rs.
22. Sale value of finished products which are scheduled goods sold against declaration in Form E 16. Rs.
23. **Total of Col.18,19,20,21 and 22** Rs.
24. Balance sale value of goods (Col. No.17-23) on which Entry Tax is payable. Rs.

25. Break up of sale value (col.24) on which Entry Tax is payable by a Manufacturer.

Sl. No.	Description of Goods	Sale value of Goods	Rate of Tax	Amount of Tax
(a)	(b)	(c)	(d)	(e)
1				
2				
3				

(Note: In case of sales made against E-15 and E-16 declarations, details to be given in form E 3A and original declaration forms to be furnished)
(attach additional sheets, if required)

26. Amount of Entry Tax [total of column 25 (e)] payable Rs.
27. Amount of set off, if any, claimed on raw materials [total of column 14 (4)]. Rs.
28. Tax payable after set off (Col.26 and Col.27) Rs.

PART- D

29. (a) Total amount of Entry Tax payable on purchase and on sales after set off (Col. 16+Col.28). Rs.
- (b) Entry Tax payable on account of contravention of declaration on E-15, E-15A, E-16 or E-16A.(Furnish details in a separate sheet). Rs.
- (c) Total Entry Tax payable [(a)+(b)] Rs.

30. Total amount of Entry Tax paid
 31. Balance payable (29—30) if, 29>30
 32. Refund due (30—29) if, 30>29
 33. Details of Tax deposited—

Rs.
Rs.
Rs.

Sl. No.	Name of Treasury, where tax deposited or Bank on which DD/Banker's cheque issued/ other mode of payment, if any <i>(proof of payment to be attached)</i>	Treasury Challan No./D.D./Banker's Cheque				For official use only	
		Type of Instrument	No.	Date	Amount	P.C.R. No.	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Excess paid, if any carried forward from previous return period (s)						
	Total						

DECLARATION

I.....do solemnly declare that to the best of my knowledge and belief the information furnished in the above return is true and complete and that it relates to the period from.....to

Date :

Place :

Signature

Name of the signatory

Proprietor/Partner/Manager/Director

.....

FOR OFFICIAL USE ONLY

Period covered under the return _____

Date of receipt of the return _____

Amount of Tax paid _____

Mode of payment _____

Signature with designation of the receiving officer.

Seal"

6. In the said rules, after Form "E-15", the following form shall be inserted, namely:—

"Form E-15A

[see proviso to clause (a) to sub-rule (4) of Rule 3]

I/We-----do hereby declare that the scheduled goods brought by me/us as per the details furnished in the schedule below, shall be used as raw material for manufacture of the finished goods namely-----
----- (Name of the finished product).

Sl. No.	Name of the scheduled goods	Name of the dealer/ Person from whom brought	Address of the dealer/ person from whom brought	Bill No./ Challan No.	Date of Bill/ Challan	Value of goods (In Rs.)	Rate of Tax as prescribed in clause (a) of sub-rule (4) of Rule 3
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1							
2							
3							

Date : _____

Place : _____

Signature of the dealer/manufacturer

Status _____ ”

7. In the said rules, after Form "E-16", the following form shall be inserted, namely:—

"Form E-16A

[see proviso to clause (b) to sub-rule (4) of Rule 3]

I/We-----do hereby declare that the scheduled goods brought by me/us as per the details furnished in the schedule below, shall be exported out of the Country/ used as raw material for manufacture of the finished goods namely----- (Name of the finished product) for export out of the Country.

Sl. No.	Name of the scheduled goods	Name of the dealer/ Person from whom brought	Address of the dealer/ person from whom brought	Bill No./ Challan No.	Date of Bill/ Challan	Value of goods (In Rs.)	Rate of Tax as prescribed in sub-rule (2) and (3) of Rule 3 (2%/1%)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1							
2							
3							

Date : _____

Place : _____

Signature of the dealer/manufacturer

Status_____”

8. In the said rules, in Form “E-19”, for the words and symbols “Assistant Commissioner of Sales Tax/Sales Tax Officer _____ circle/ _____ Range”, the following shall be substituted, namely:—

“Registering Authority”.

9. In the said rules, in Form “E-21”, “E-22”, “E-23” and “E-24”, before the words “Assistant Commissioner of Sales Tax” appearing at the bottom, the word and symbol “Deputy ” shall respectively be inserted.

10. In the said rules, for Form “E-27”, the following form shall be substituted, namely:—

“FORM E-27

[See rule 11 (5) (c)]

AUDIT VISIT REPORT

1. Office Address

2. TIN/SRIN/Identification No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. Name & Address of the dealer

4. Period of Audit From ____/____/____ To ____/____/____

5. Person (s) contacted in course of visit.

6. Statement, if any, recorded in course of visit and if so, the name and status of such persons with reference to the business, from whom statement has been recorded.

7. Summary of records and accounts verified and signed indicating the date up to which, the same has been maintained.

Records	Accounts	Date up to which maintained

- (i)
- (ii)
- (iii)
- (iv)
- (v)

8. Summary of physical stock of goods taken and discrepancy, if any, noted when examined with reference to the book balance.

- (i)
- (ii)
- (iii)
- (iv)
- (v)

9. Sample, if any, taken for further investigation and if so, the description of the goods, the sample of which was obtained and the person in whose custody, it is lodged.
10. Physical verification of cash, if any, undertaken and the result of such verification.
11. Details of control checks carried out and the result of such checks [Note the tax period (s) to which such check relates].
12. Summary of basic checks carried out and comments on such checks—
 - (i) ET Registration certificate
 - (ii) ET return files and corresponding records.
 - (iii) ET payment record
13. Advisory checks undertaken, if any, and the points covered under such check.
14. Audit checks in relation to the results of control checks and the findings of such checks.
15. Summary of audit visit report indicating the specific discrepancies detected and evidence thereof including the explanation, if any, furnished against such discrepancies and statement recorded by way of explanation to such discrepancies. (Enclose the extract of records, documents, statements etc. duly obtained in support of discrepancies detected)
16. Post visit action recommendation :
17. General observation on the business activities of the dealer—
 - (i) Level of taxable sales
 - (ii) Revenue compliance
 - (iii) Complexity of accounts
 - (iv) Sensitive commodities being dealt in.

Office seal

Palce : _____

Date : _____

**Head of the Audit Team
Signature and designation”**

11. In the said rules, in Form “E-28”, before the words “Assistant Commissioner of Sales Tax” appearing at the bottom, the word and symbol “Deputy ” shall be inserted.

12. In the said rules, in Form “E-35”, in Part-B, before the words “Assistant Commissioner of Sales Tax” wherever occur, the word and symbol “Deputy ” shall be inserted.

[No.49477-CTN-5/2010-F.]

By order of the Governor

S. ROUT

Under-Secretary to Government