

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1511, CUTTACK, TUESDAY, SEPTEMBER 30, 2014 / ASWINA 08, 1936

FINANCE DEPARTMENT

NOTIFICATION

The 30th September, 2014

S.R.O. No.458/2014— WHEREAS, Hindustan Aeronautics Limited (HAL), Koraput Division, Sunabeda is a Public Sector Undertaking under Ministry of Defence, Government of India engaged in development, repair and manufacture of Aero-engines for fighter aircraft for use in defence of the Country;

WHEREAS HAL, Koraput Division, Sunabeda was being assessed to OVAT and CST from the years, 2005-06 onwards which was challenged in appeal and revision before different taxing authorities and Orissa High Court;

WHEREAS Hon'ble Supreme Court of India in SLP(C) Nos. 14619-14676 of 2010 in case of M/s Hindustan Aeronautics Ltd. Vs. State of Karnataka in their order dated the 11th January, 2011 directed to settle the dispute in the matter of demand of tax outside the Court;

AND WHEREAS HAL, Koraput Division, Sunabeda has approached State Government to settle similar tax disputes pending in appeal and revision in the light of direction of Supreme Court of India, as referred to above;

Now, therefore, in exercise of the powers conferred by Section 102 of the Odisha Value Added Tax Act, 2004 (Odisha Act 4 of 2005) read with sub-section (2) of Section 9 of the Central Sales Tax Act, 1956(74 of 1956), the State Government do hereby refer to

Commissioner of Sales Tax to settle the disputed amounts pending in appeal and revision subject to the following conditions and restrictions, namely:—

- (I) The Commissioner shall have power to settle the dispute of tax for the period from 1st April, 2005 to 31st January, 2013 at the tax rate 4% without any penalty for OVAT and CST.
- (II) The Commissioner shall fix modalities of settlement of disputes subject to such condition regarding withdrawal of appeal and revision cases by HAL/Revenue.
- (III) The Commissioner shall lay down manner and procedure for payment or recovery or refund of the amount settled by him under this notification.

[No. 28528-FIN-CT1-TAX-0011/ 2014/F.]

By Order of the Governor

B. K. DAS

Special Secretary to Government