

TRADE CIRCULAR

No : ACST/VAT-3/PT/Late-fee-waiver/ 61 /2017/B-2002 , Mumbai, Dt : 30/12/2017
Trade Circular No. 57T of 2017

Sub: Exemption from payment of Late Fees U/s 6(3)
of the Maharashtra State Tax on Professions, Trades,
Callings and Employments Act 1975

Ref: 1) Trade Circular 8T of 2017 Dt 16/3/2017.
2) Trade Circular 32T of 2016 Dt 27/10/2016.
3) Trade Circular 40T of 2017 Dt 12/09/2017
4) Trade Circular 48T of 2017 Dt 23/11/2017

Background :- As per Section 6(1) of The Maharashtra State Tax on Professions, Trades, Callings and Employments Act 1975 (The Profession Tax Act 1975), every employer who has obtained Profession Tax Registration Certificate (PTRC) under Profession Tax Act 1975 has to furnish return in prescribed format showing the salaries and wages paid by him and the amount of tax deducted by him in respect thereof. As per Rule 11(2A) of Profession Tax Rules 1975, such return shall be in electronic Form IIIB and payment shall be made before uploading the said return on the official website of Maharashtra Goods and Services Tax Department (MGSTD). Section 6(2) of Profession Tax Act 1975 provides that a return without such proof of payment shall not be deemed to have been duly filed.

The employers who have obtained PTRC TIN before 25th May 2016 are filling their returns through mahavat.gov.in. The employers who have obtained PTRC TIN on or after 25th May 2016 are filling their returns through SAP based system.

- 2) New SAP based automation system has been implemented and the department has issued Trade Circular 8T of 2017 date 16/3/2017, describing the process of SAP based e-filing of PTRC return and Trade Circular 32T of 2016, Dt 27/10/2016 and 48T of 2017 Dt 23/11/2017, describing the details process of e-payment under SAP-TRM system. The employers (PTRC holders) who have obtained registration before 25th May 2016 are presently filing their PTRC return on www.mahavat.gov.in, while those registered on or after 25th May 2016 are filing their PTRC return on SAP system.

Further, the SAP system does not allow employers to upload the return if the balance payable is greater than zero.

- 3) As per Trade Circular referred at 3 above late fee was exempted upto 30th September 2017 for the return periods April 2017 to August 2017, to the employers who have obtained PTRC TIN on or after 25th May 2016 through SAP based system.
- 4) The Trade Associations and Employers have represented that due to technical difficulties, many employers who are registered on or after 25th May 2016 have not been able to upload returns for the return periods from April 2016 onwards, on or before 30/09/2017 i.e. the extension allowed as per circular No 40T of 2017 and therefore it has been requested to exempt late fees from April 2016 onwards.
- 5) The issue mentioned in Para 4 has been examined. As the technical difficulties were in existence during the aforesaid period, the employers could not file the returns by the due dates. Hence under the powers conferred by Notification No PFT.2014/CR 38/Taxation-3 Dated 21-8-2014 issued by the State Government under proviso of Section 6(3) of the Profession Tax Act, 1975, the whole of the late fee payable by any registered employer, for return periods from April 2016 to December 2017 is being exempted, subject to the fulfillment of eligibility conditions mentioned below-
- 6) **Eligibility Conditions:**
 - i) The employers should have obtained PTRC TIN on or after 25th May 2016 on SAP based system.
 - ii) Any amount payable as per return for the period April 2016 to December 2017 should have been paid on or before the due date.
 - iii) The aforesaid employers should submit their PTRC returns for the period April 2016 to December 2017 on or before 31st January 2018.
- 7) Needless to mention that no refund or adjustment against any tax liability shall be allowed, in cases where late fee has already been paid.
- 8) **Revocation of Late fee exemption:** If it is found that the employer has not fulfilled the conditions or has submitted false information to avail the benefit of exemption then, his exemption of late fees shall be revoked and action will be taken against him as per the provisions of law.

- 9) The department has shifted its entire e-payment process on SAP-TRM based system. A Trade Circular 48T of 2017, Dt 23/11/2017 describing detailed procedure of making payment is already issued in this respect. The employers are requested to follow the procedure given in the above referred Trade Circular while making the payment. The employers are also requested to go through detailed instructions regarding selection of proper period while making PTRC payment given at Point No 7 of above referred Trade Circular.

If any member of the trade has any doubt, he may refer the matter to this office for further clarification. You are requested to bring the contents of this circular to the notice of the members of your association.



(Rajiv Jalota)

**Commissioner of Profession Tax
Maharashtra State, Mumbai.**

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Copy forwarded to Joint Commissioner of Sales Tax (Mahavikas) with a request to upload this Trade Circular on department's web-site.



(Subhash Morale)

**Addl. Commissioner of Profession Tax
(VAT-3), Maharashtra State, Mumbai.**

