

Office of the Commissioner of Sales Tax,
Vikrikar Bhavan, 9th Floor, E-Wing,
Mazgaon, Mumbai - 400 010.
Tel.No.- 022/23760957/0958

Trade Circular

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No.IMC10.09/PP/Adm-12/B- 523
(Circular No. 10 T of 2009)

Mumbai, dt.- 23.03.2009

Subject :- Pending P's under B.S.T. & C.S.T. Acts up to P year
2004-05 and instructions for disposal thereof.

Ref. :- शासन निर्णय : विकआ १२०५/प्र.क्र.११९/वि.प्र.४ दि.५-१-२००७.

In order to complete the assessments pending under the B.S.T. and the C.S.T. Acts before 31.3.2010, the Government has taken a decision vide शासन निर्णय : विकआ १२०५/प्र.क्र.११९/वि.प्र.४ दि.५-१-२००७ that -

No assessments will be done from "C" & "D" category of the dealers except priority P's falling in 7 categories enumerated in Annexure – E of the said GR. These 7 categories of the cases are reproduced below:

- i) P.S.I. dealers
- ii) Dealers dealing in liquor
- iii) Assessment of investigation period
- iv) Refund claim in returns more than Rs. 5000/-

- v) Additional demand raised in the assessment of immediate previous year is more than 20% of admitted liability in returns or is more than Rs.1 lakh, whichever is less.
- vi) Assessment of first year of registration.
- vii) Assessment of the last year of the dealer, of whom registration certificate is cancelled.

3. Further, in the Budget speech for the year 2008-09, the Hon'ble Finance Minister relaxed the criteria of mandatory assessments of first and last year (as vi & vii above) and empowered the Commissioner of Sales Tax to take a decision whether it would be necessary to assess the first and last years of registration of the dealer.

4. Compulsory Assessment Criteria: Considering the Government decision, all the pending P's, pertaining to financial year in which gross tax liability (before adjusting set-off) is Rs. 6 lakh or less under the BST and CST Acts, shall not be assessed except those falling in any of the following criteria:

- i) P.S.I. dealers
- ii) Dealers dealing in liquor
- iii) Assessment of period/s under investigation.
- iv) Refund claim in returns is more than Rs. 5000/-
- v) Additional demand raised in the assessment of immediate previous year is more than 20% of admitted liability in returns or is more than Rs.1 lakh, whichever is less.
- vi) Assessment of first year of registration, if refund is claimed in the returns
- vii) Returns are not filed for the pending assessment period/s.

viii) Period prior to the cancellation of Registration Certificate, if any dues exist for earlier period/s.

ix) Un-registered period of the dealer.

5. It is needless to mention that the Commissioner of Sales Tax has powers to assess any dealer for any periods which are otherwise not falling in compulsory assessment criteria. The final decision in this regard shall be taken by the concerned Joint Commissioner of Sales Tax (Adm). If the officer is of the opinion that a particular case is required to be assessed, which is otherwise not covered by the criteria of compulsory assessments, then the concerned officer shall seek the prior approval of his Joint Commissioner of Sales Tax (Adm)

6. This circular cannot be made use of for legal interpretation of provisions of law as it is clarificatory in nature. If any member of the trade has any doubt, he may refer the matter to this office for further clarification.

7. You are requested to bring the contents of this circular to the notice of the members of your association.

Yours faithfully,

(Sanjay Bhatia)

Commissioner of Sales Tax
Maharashtra State, Mumbai

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(Circular No.10 T of 2009)

Mumbai, dt.- 23.03.2009

1. Copy forwarded to :-

- a. All the Addl.Commissioner of Sales Tax in the State.
- b. All the Joint Commissioner of Sales Tax in the State.

- c. The Joint Commissioner of Sales Tax(Mahavikas), with a request to upload this Trade Circular to the Department web-site.
- d. All the Senior Deputy Commissioner of Sales Tax in the State.
- e. All the Deputy Commissioner of Sales Tax in the State.
- f. All the Assistant Commissioner of Sales Tax in the State.
- g. All the Sales Tax Officer in the State.

2.Copy forward with compliments for information to :-

- a. The officer on special Duty, Finance Department, Mantralaya, Mumbai.
- b. The under Secretary, Finance Department, Mantralaya, Mumbai.
- c. The Accounts officer, Sales Tax Revenue Audit, Mumbai and Nagpur.

3. Copy to :-

All the Desks and Desks Officers in the office of the Commissioner of Sales Tax, Maharashtra State, Mumbai.

(P. S. Salvi)

Additional Commissioner of Sales Tax (VAT-3)
Maharashtra State, Mumbai