

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No.358 Dispur, Thursday, 9th December, 2010, 18th Agrahayna, 1932 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
FINANCE (TAXATION) DEPARTMENT

NOTIFICATION

The 9th December, 2010

No. FTX.29/2003/Pt/60: In exercise of the powers conferred by sub-section (2) of Section 20 of the Assam Value Added Tax Act, 2003 (Assam Act VIII of 2005), hereinafter referred to as the principal Act, the Governor of Assam is hereby pleased to notify "Composition Scheme for Real Estate Developer" (hereinafter referred to as the "Scheme") for a registered dealer who transfers property in goods involved in the execution of works contract of construction of flat, dwellings, buildings or premises and in which transfer along with land or interest underlying the land is envisaged and permits such registered dealer to pay at his option, in lieu of the amount of tax payable by him under the provisions of the Act, by way of composition, an amount at the rate of one paise in every rupee of the aggregate amount specified in the agreement entered into between the Real Estate Developer and the purchaser of flats, dwellings, buildings, or premises or value specified for the purpose of stamp duty in respect of the said agreement under the Indian Stamp (Assam Amendment) Act, 2004 whichever is higher, subject to the following conditions:-

Conditions:-

- (1) The dealer who opts to compound the tax for any year under this Scheme shall submit an application in Annexure-1 to the Prescribed Authority, within thirty days from the commencement of the Scheme or within thirty days from the date of the commencement of the business of works contract if he commences such business of works contract after the commencement of the Scheme:

Provided that the application in every subsequent year shall be filed by 30th April of such year:

Provided further that the Prescribed Authority having jurisdiction may, on sufficient cause and for reasons to be recorded in writing, condone the delay upto sixty days in respect of application not filed within the time stipulated in the Scheme.

- (2) The application shall be signed by a person competent to sign application for registration under the Act.

- (3) (i) The concerned Prescribed Authority, after conducting such verification, as may be necessary, may permit such dealer to pay in lieu of the amount of tax payable by him during the year, in respect of which such permission is granted an amount by way of composition as provided in this Scheme.
 - (ii) Such permission for composition shall be granted within thirty days from the date of the receipt of the application for the year for which the composition is applied for. The permission shall be in Annexure-2 and shall be valid for a particular year. Once the composition certificate is issued, the dealer during the composition period shall not be entitled to opt out of the Scheme for a part of the financial year.
 - (iii) The Prescribed Authority may cancel such permission in the following cases:-
 - (a) if the dealer fails to pay tax or file the tax return, within the prescribed period;
 - (b) if it appears to the Prescribed Authority that the dealer has suppressed whole or part of turnover in the return filed by him or, the return filed by the dealer appears to be incomplete or incorrect;
 - (c) if the dealer contravenes any provisions of the Act or the Rules made thereunder.
 - (iv) The cancellation of such permission shall be without prejudice to the action, penal or otherwise, for which such dealer shall be liable under the provisions of the Assam Value Added Tax Act, 2003 and rules made thereunder.
- (4) The dealer opting for this scheme shall not be entitled to procure goods from outside the State, using the declarations in form 'C' or form 'F' under the Central Sales Tax Act, 1956.
 - (5) The dealer opting for composition of tax under this Scheme shall be subject to all other provisions of the Assam Value Added Tax Act, 2003 and rules made thereunder and the terms and conditions contained in this Scheme.
 - (6) The option once exercised shall be final and cannot be revoked by the dealer during the year. Further, a dealer who has been awarded more than one contracts in the State, shall have to opt for making payment of tax by way of composition in respect of all the contracts.
 - (7) Every dealer opting to pay tax by way of composition under this Scheme shall:-
 - (a) display his certificate at a prominent location in his main place of business;
 - (b) pay tax, by way of composition, at the rate as notified by this Scheme;
 - (c) not issue any tax invoice;
 - (d) not receive any tax invoice; and
 - (e) not claim any input tax credit on his purchase.
 - (8) Every dealer who has been granted permission by the Prescribed Authority under this Scheme shall be liable to make payment of tax under this Scheme monthly calculated at one per cent of the payments receivable by him during the month for execution of the contract. The dealer shall furnish a tax return for each quarter in Annexure-3 within twenty-one days of the succeeding month from the date of expiry of each quarter. The dealer shall also furnish a consolidated annual return in the same Form to the Prescribed Authority within two months after the close of the year to which such return relates. The tax return shall be accompanied by proof of full payment of the tax due, in accordance with rule 26.
 - (9) Any tax already paid by the dealer under the Act during the year 2010-2011, shall be adjusted against the composition amount payable.
 - (10) The dealer shall also keep complete account of, payments receivable by him for the execution of the contract and, the payments actually received by him.

Annexure-1

COMPOSITION SCHEME FOR REAL ESTATE DEVELOPER UNDER THE ASSAM VALUE ADDED TAX ACT, 2003

Application for permission to pay composition amount

To,

The Prescribed Authority,

I/we, (status)) on behalf of M/s (name and address) holding General Registration No.(GRN) dated carrying on business of executing works contracts in Assam do hereby apply for permission to pay lump sum by way of composition of tax as per the provisions of the "Composition Scheme for Real Estate Developer" framed under section 20(2) of the Assam Value Added Tax Act, 2003.

2. The nature of my/our business is of executing works contracts of the nature of construction of flat, dwellings, buildings or premises and in which transfer along with land or interest underlying the land is envisaged.
3. I/We opt to pay lump sum by way of composition in lieu of tax payable in respect of year ending on
4. I/We hereby undertake that I/We shall regularly file return in the prescribed Form and shall pay the amount of composition due according to the provisions of the said Scheme.
5. I/We solemnly declare that the above statements are true to the best of my/our knowledge and belief.

Place.....
Date.....

Signature.....
Status.....

Annexure- 2**COMPOSITION SCHEME FOR REAL ESTATE DEVELOPER UNDER THE ASSAM
VALUE ADDED TAX ACT, 2003**

Permission to pay Composition Amount

Composition permission No: Dated.....

This permission is hereby granted under the " Composition Scheme for Real Estate Developer" under the Assam Value Added Tax Act, 2003 subject to the provisions of the Assam Value Added Tax Act, 2003 (hereinafter referred to as " The Act"), Rules and also the conditions specified herein to M/s..... (hereinafter called "permission holder") who is a registered dealer holding certificate of General Registration No.(GRN)..... dated.....

CONDITIONS

1. The permission shall be effective in respect of year ending on
2. The permission holder is authorized to pay lump sum by way of composition in lieu of tax payable under the Act and Rules in regards thereto.
3. The permission holder shall regularly file return in the prescribed Form within the prescribed time limit.
4. The permission is final and irrevocable.
5. This permission is liable to be suspended or cancelled if the permission holder contravenes any of the provisions of the Act, the Rules made thereunder or the conditions mentioned above.

Seal

Place.....

Date :

Signature.....

Designation.....

Annexure- 3

COMPOSITION SCHEME FOR REAL ESTATE DEVELOPER UNDER THE ASSAM VALUE ADDED TAX ACT, 2003

Form of return to be furnished by a Contractor opting for Composition Scheme

Return for the quarter ended on:

D	D	M	M	Y	Y	Y	Y

1. Dealers identity

Name and style of business	M/S													
Address											Contact No.			
GRN														

2. Details of execution of works contract and computation of lump sum payable

Serial Number	Name and address of the building or premises	Name and complete address of the contractee(s)	Total value of works contract	Amount receivable		Lump sum payable @ _____ of (e)
				During the return period	Progressive	
(a)	(b)	(c)	(d)	(e)	(f)	(g)
			TOTAL			

3. Tax payable [2(g)]

Rs.

5. Details of tax deposited

Sr. No.	Name of Designated Bank where tax deposited or Bank on which DD / Pay order is drawn	Bank Challan / DD / PO			
		Type of instrument	No.	Date	Amount
	Excess paid brought forward from last return				
	Total				

Date :

[Signature of Authorised Person]

6. Value of goods purchased in the State from VAT dealers (enclose list)

7. Value of goods purchased in the course of interstate trade (enclose list)

8. Value of goods imported into the State (enclose list)

9. Account of forms

Sr. No.	Type of Form	Opening stock at the beginning of the return period	Blank forms received or authenticated during the return period	Number of forms used during the return period	Aggregate of amount of transactions for which forms used
(1)	C				
(2)	Others, specify, if any.				

Declaration

I, _____ (name in CAPITALS), hereby, solemnly affirm that I am authorised to furnish this return and all its contents including tables, lists, statements, declarations, certificates & other documents appended to it or filed with it are true, correct and complete and nothing has been concealed therein.

Place:

Date: [Signature]

Status: Tick whichever is applicable [Karta, proprietor, partner, director, president, secretary, manager, authorised officer]

(For use in the office of the Prescribed Authority)

- (1) Date of data entry in register/Computer:
- (2) Signature of the official making the data entry:
(Affix stamp of name & designation)
- (3) Signature of the Prescribed Authority with
date: (Affix stamp of name & designation)

Acknowledgement

The undersigned acknowledges having received the original of this return on the date mentioned below:

- (1) Date of receipt of return:
- (2) [Signature with stamp of name & designation of receipt clerk]

This notification shall come into force from the date of its publication in the Official Gazette.

H. S. DAS,

Principal Secretary to the Govt. of Assam,
Finance Department, Dispur.