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THE ASSAM GAZETTE

অসাধাৰণ

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

NOTIFICATION

The 11th October, 2006

No. FTX. 57/05/43. -- In exercise of the powers conferred by sub-section (4) of section 109 of the Assam Value Added Tax Act, 2003, the Governor of Assam is hereby pleased to make the following amendment to the Assam Industries (Tax Remission) Scheme, 2005, hereinafter referred to as the principal Scheme, published in the Assam Gazette Extraordinary dated 02.05.2005, vide notification No. FTX. 57/2005/2 dated 02.05.2005, Namely :-

In the Government notification No. FTX.57/2005/2 dated 02.05.2005 published in the Assam Gazette Extraordinary dated 02.05.2005--

1. In the principal Scheme,- in para 2, for the first paragraph, the following paragraph shall be substituted, namely:-

“2. **Definition of Eligibility:-** An industrial unit, which is a holder or will be a holder in due course of a Certificate of Authorisation granted or to be granted under the erstwhile “The Assam Industries (Sales Tax Concessions) Scheme, 1997 as per eligibility criteria of the Industrial Policy of Assam, 1997 or the Industrial Policy of Assam, 2003, as the case may be, on the date of commencement of the Act, shall be treated as an eligible industrial unit for the purpose of this Scheme.”

2. In the principal Scheme, for the existing para 3, the following para shall be substituted, namely:-

“3. **Limits of tax remission for the eligible units:-** (1) Where an eligible unit who is holder or will be holder in due course of Certificate of Authorisation in Form-IVA or Form-IVC as per terms of the Assam Industries (Sales Tax Concessions) Scheme, 1997 on the date of commencement of the Act and is registered under the Act, shall be entitled for remission of ninety nine percent of the tax payable by him during return periods after commencement of the Act until the amount of such remission exceeds the un-availed quantum of monetary ceiling or the extended un-expired period of eligibility, whichever is earlier, remaining available to him at the time of commencement of the Act.

- (2) Where an eligible unit who is holding or will be holder in due course of Certificate of Authorisation in Form-IVB as per terms of the Assam Industries (Sales Tax Concessions) Scheme, 1997 on the date of commencement of the Act and is registered under the Act, shall be entitled for remission of ninety nine percent of the tax payable by him in respect of sales of manufactured goods corresponding to the difference between its actual annual production after completion of expansion/modernization/diversification and its average base year production.

The annual production and the average base year production shall have the same meaning as assigned to them in the erstwhile the Assam Industries (Sales Tax Concessions) Scheme, 1997.

- (3) The un-expired period of eligibility remaining available to a holder or a holder in due course of the Certificate of Authorisation on the date of commencement of the Act shall be extended by applying the following formula.

Extended un-expired period of eligibility = un-expired period of eligibility on the date of commencement of the Act X 9/7.

- (4) For the purpose of calculating the available quantum of tax remission for an eligible unit, Tax Payable during any return period under the Act by it shall be computed according to the following formula:-

- (a) If the eligible unit is holder or will be holder in due course of Certificate of Authorisation in Form-IVA or in Form-IVC as per terms of the Assam Industries (Sales Tax Concessions) Scheme, 1997 on the date of commencement of the Act;

Tax Payable= Output Tax plus tax liability under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) minus Input Tax.

- (b) If the eligible unit is holder or will be holder in due course of Certificate of Authorisation in Form-IVB as per terms of the Assam Industries (Sales Tax Concessions) Scheme, 1997 on the date of commencement of the Act;

Tax Payable= Output Tax plus tax liability under the Central sales Tax Act, 1956 (Central Act 74 of 1956) minus Input Tax as they relate to sales of manufactured goods corresponding to the difference between its actual annual production after the completion of expansion/modernization/diversification and its average base year production:

Provided further that until the determination of both the average base year production and the annual production after the expansion/modernization/diversification, the benefit of tax remission under this Scheme shall not be admissible to an otherwise eligible unit of this category.

- (5) Notwithstanding anything contained in this Scheme or the Assam Industries (sales Tax Concessions) Scheme, 1997, an eligible unit engaged in manufacture of goods taxable at the first point of sale in the Fourth Schedule of the Act, shall not be entitled for availment of any input tax credit while computing the amount of "Tax Payable" by it for any return period under the Act.

(6) The amount of tax eligible for remission shall be ninety nine percent of the amount of Tax Payable in accordance with tax return and the balance one percent of the Tax Payable shall be deposited by the eligible unit into the Government Account."

3. In the principal Scheme, in para 4,—

(a) in sub-para (1), for the existing clause (b), the following clause shall be substituted, namely:-

"(b) On receipt of the application, the Prescribed Authority, after satisfying himself that the application is correct and complete in all respects shall issue a Certificate of Entitlement in Format-II appended to this Scheme respectively in lieu of the Certificate of Authorisation in Form-IVA/IVC or Form-IVB under the Assam Industries (Sales Tax Concessions) Scheme, 1997 ordinarily within thirty days. Such Certificate of Entitlement shall be issued for a financial year only."

(b) in sub-para (2), for the existing clause (c), the following clause shall be substituted, namely:-

"(c) On receipt of the Eligibility Certificate and the Certificate of Authorisation, the Prescribed Authority, after satisfying himself that the application is correct and complete in all respect, shall issue a Certificate of Entitlement in format II appended to this Scheme respectively in lieu of the Certificate of Authorisation in Form-IVA/IVC or Form-IVB under the Assam Industries (Sales Tax Concessions) Scheme, 1997 ordinarily within thirty days. Such Certificate of Entitlement shall be issued for a financial year only."

4. In the principal Scheme, for the existing Format-II annexed to the Notification, the following Format shall be substituted, namely:-

"THE ASSAM INDUSTRIES (TAX REMISSION) SCHEME, 2005

FORMAT-II

[See Para 4]

CERTIFICATE OF ENTITLEMENT

Certificate of Entitlement No. _____

This is to certify that the industria' unit in the name and style of M/s. _____ situated at _____ (place) having TIN _____ under the Assam Value Added Tax Act, 2003 and holding Certificate of Authorisation * in Form-IVA/IVB/IVC under the Assam Industries (Sales Tax Concessions) Scheme, 1997 is eligible for remission of tax in accordance with the provisions of the Assam Industries (Tax Remission) Scheme, 2005.

The dealer is eligible for remission of tax to the extent of Rs. _____ within the period from _____ to _____ in respect of sale of its finished product(s), namely:-

and **without any qualification as to the term of manufacture/corresponding to the difference between the actual annual production after the completion of expansion or modernization or diversification, as the case may be, and the average base year production.

This certificate is valid from _____ to _____ subject to renewal from year to year.

Date of issue

Signature of the Prescribed Authority

Place.....

The certificate is renewal and the period of validity is extended as specified in columns (2) and (3) below:-

Serial No. of renewal	From (date)	To (date)	Amount of tax remitted	Initials of the Prescribed Authority with date
(1)	(2)	(3)	(4)	(5)

** Strike out whichever is not applicable."

5. In the principal Scheme, for the existing Format-IV annexed to the Notification, the following Format shall be substituted, namely:-

"THE ASSAM INDUSTRIES (TAX REMISSION) SCHEME, 2005

FORM- IV

[Para 5]

TAX RETURN BY AN ELIGIBLE UNIT CLAIMING REMISSION OF TAX

1.	TIN

2.	Tax period

3.	Name and style of the business	
4	Address	
5	(a) Name of the goods manufactured	
	(b) No. and date of Eligibility Certificate granted	

(c) and date of Certificate of Entitlement granted	
(d) Amount of capital investment	Rs.
(e) Monetary ceiling	Rs.
(f) Time limit	From _____ to _____

PURCHASES IN THE MONTH (INPUT)

Value excluding Tax (A)

Tax Claimed (B)

6	Exempt or non-creditable Purchases	Rs.	
7	4% Rate Purchases	Rs.	Rs.
8	12.5% Rate Purchases	Rs.	Rs.
9	(a) 1% Rate Purchases	Rs.	Rs.
	(b) 2% Rate Purchases	Rs.	Rs.
10	(a) _____% Rate Purchases (Fourth Schedule)	Rs.	
	(b) _____% Rate Purchases (Fourth Schedule)	Rs.	
11	Total Amount of input tax		Rs.

SALES IN THE MONTH (OUTPUT)

Value Excluding Tax (A)

Tax Due (B)

12	Exempt Sales	Rs.	
13	Zero Rate Sales – International Exports	Rs.	
14	Zero Rate Sales – Others (CST Sales)	Rs.	
15	Tax Due on Purchase of goods	Rs.	Rs.
16	4% Rate Sales	Rs.	Rs.
17	12.5% Rate Sales	Rs.	Rs.
18	(a) 1% Rate Sales	Rs.	Rs.
	(b) 2% Rate Sales	Rs.	Rs.
19	(a) _____% Rate Sales (Fourth Schedule)	Rs.	Rs.
	(b) _____% Rate Sales (Fourth Schedule)	Rs.	Rs.
20	Total amount of output tax		Rs.

TAX CALCULATIONS :

21	Output tax	Rs.	
22	Add/ Less : adjustment to output tax, if any (specify)	Rs.	
23	Total Output tax [(21)±(22)]		Rs.
24	Tax liability under the Central Sales Tax Act (as per separate statement)		Rs.
25	Total tax liability before adjustment of input tax credit		Rs.

26	Input tax credit on purchases	Rs.	
27	Add/Less : adjustment to input tax, if any (specify)	Rs.	
28	Net Input tax credit [(26)±(27)]		Rs.
29	Tax payable [(25) – (28)]		Rs.
30	Less: Tax remission claimed of ** tax payable (29)/admissible fraction of tax payable (29)		Rs.
31	Tax payable		Rs.
32	Interest, penalty or other dues		Rs.
33	Total dues		Rs.
34	Less: sales tax deducted at source		Rs.
35	Less tax paid		Rs.
36	Excess payment, if any		Rs.
37	Refundable amount, if any		Rs.

**Strike out whichever is not applicable.

DECLARATION

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

(Signature)

Status whether
Proprietor/Karta/Partner/Director/Manager/
Chief Executive/Authorised signatory.
(Tick whichever is applicable)"

6. In the principal Scheme, in the existing Format-V annexed to the Notification, for the existing Part-G, the following shall be substituted, namely:-

"Part-G

13. Calculation of total tax and interest payable and paid.

	Inner column	Final amount
(a) Output tax payable as per part C	Rs.	
(b) Output tax payable as per part D	Rs.	

(c) Output tax [(a)+(b)]	Rs.	
(d) Add/ Less : adjustment to output tax, if any (specify) as per Annexure 4	Rs.	
(e) Total Output tax [(c)±(d)]		Rs.
(f) Purchase tax payable as per Part E		Rs.
(g) Central sales tax payable		Rs.
(h) Total tax payable [(e)+(f)+(g)]		Rs.
(i) Input tax credit on purchases as per Part F	Rs.	
(j) Add/ Less : adjustment to input tax, if any (specify) as per Annexure 5	Rs.	
(k) Net Input tax credit [(i)±(j)]		Rs.
(l) Tax payable [(h) - (k)]		Rs.
(m) Less tax remission claimed of ** tax payable as per (l)/admissible fraction of tax payable as per (l)		Rs.
(n) Tax payable		Rs.
(o) Interest, penalty or other dues		Rs.
(p) Total dues		Rs.
(q) Less: sales tax deducted at source		Rs.
(r) Less tax paid		Rs.
(s) Excess payment, if any		Rs.
(t) Refund claimed / balance carried forward to next tax period		Rs.

**Strike out whichever is not applicable."

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

H. S. DAS,
 Commissioner & Secretary to the Govt. of Assam,
 Finance (Taxation) Department, Dispur.