

## **Chhattisgarh Value Added Tax Rules, 2006**

**[21 March 2006]**

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## **Chhattisgarh Value Added Tax Rules, 2006**

**[21 March 2006]**

No. F-10/6/2006/CT/V/( 12 ) - Whereas the State Government considers that the following rules under the Chhattisgarh Value Added Tax Act, 2005 (No. 2 of 2005) should be made and brought in to force. Now, therefore, in exercise of the powers conferred by section 71 of the said Act and all other enabling powers under that Act the State Government hereby makes the following rules, namely:-

### CHAPTER 1

#### CHAPTER I

### **1. Short title and commencement :-**

(1) These rules may be called the Chhattisgarh Value Added Tax Rules, 2006. (2) They shall come into force from such date as the State Government may, by notification appoint.

### **2. Definitions :-**

(1) In these rules, unless the context otherwise requires (a) Act means the Chhattisgarh Value Added Tax Act, 2005 (No. 2 of 2005) (b) Appellate Authority means an appellate Deputy Commissioner or the Tribunal; (c) Appropriate Commercial Tax Officer in relation to a dealer means the Commercial Tax Officer of the circle in which the dealers place of business is situated or if a dealer has more than one place of business in the State, the Commercial Tax Officer of the circle in which his principal place of business is situated; (d) Assessing Authority means an officer appointed under section 3 to whom the Commissioner has delegated the powers of assessment, imposition of penalty and levy of interest under the Act; (e) Circle means the area comprised within the local limits of the jurisdiction of a Commercial Tax Officer specified in an order issued under sub-section (4) of section 3; (f) Form means a form appended to these rules; (g) Government Treasury in relation to a dealer - (i) having one place of business, means the treasury or any sub-treasury within the district in which his place of business is situated; and (ii) having more than one place of business, means the treasury or any

sub-treasury within the district in which his principal place of business is situated; (h) Inspector means an inspector of Commercial Tax appointed under Section 3 ; (i) Inspecting Officer means any officer specified in clause (c) to (g) of sub-section (1) of section 3 to whom the Commissioner has delegated his powers under section 57 ; (j) Registering Authority means the appropriate Commercial Tax Officer or any officer appointed under section 3 to whom the Commissioner has delegated his powers for the purposes of section 16 and 18; (k) Repealed Act means the Madhya Pradesh General Sales Tax Act, 1958 (No. 2 of 1959) repealed by section 81 of Act No. 5 of 1995 and the Chattisgarh Vanijyik Kar Adhiniyam 1994 (No.5 of 1995) repealed by the Act ; (l) Revisional Authority means the commissioner or any other officer appointed under section 3 to whom the commissioner has delegated the powers of revision under section 49 ; (m) Section means a section of the Act; (n) Warehouse means any enclosure, building or vessel in which a dealer keeps his stock of goods. (2) All other words and expressions used herein but not defined and defined in the Act shall have the meaning assigned to them in the Act.

## CHAPTER 2

### CHAPTER II

### **3. Appointments :-**

(1) Officers specified in clauses (f) and (g) of sub-section (1) of section 3 shall be appointed by the Commissioner. (2) An Inspector of an area shall be subordinate to the Assistant Commercial Tax Officer, and the Commercial Tax Officer exercising jurisdiction therein. An Assistant Commercial Tax Officer posted to assist a Commercial Tax Officer of an area shall be sub-ordinate to such Commercial Tax Officer. The Commercial Tax Officer and the Assistant Commercial Tax Officer shall in all matters arising within the area within which he exercises jurisdiction, be sub-ordinate to the Assistant Commissioner exercising jurisdiction over such area. (3) All Inspectors, Assistant Commercial Tax Officers, Commercial Tax Officers and Assistant Commissioners shall, in all matters arising within the area within which they exercise jurisdiction, be sub-ordinate to the Appellate Deputy Commissioner and Deputy Commissioner exercising jurisdiction over such area. (4) The authorities specified in clauses (b) to (g) of sub-section (1) of section 3 shall be subordinate to the Additional Commissioner and the Additional Commissioner shall be sub-ordinate to the Commissioner. (5) The authorities specified in clause (c) to (g) of

sub-section (1) of Section 3, shall, in exercise of the powers and in the discharge of their duties and functions under the provisions of the Act or any rules made thereunder, follow such direction as the Commissioner may issue from time to time.

#### **4. Constitution of the Tribunal and its functions :-**

(1) The Tribunal shall consist of a Chairman and one Member to be appointed by the State Government. (2) (a) The Chairman of the Tribunal shall be the person who is or has been a member of Higher Judicial Service in super time scale or a serving or retired member of the Indian Administrative Service of the Chattisgarh cadre, who has held the post of Principal Secretary or equivalent in the Government of Chattisgarh at least for three years. (b) The Member of the tribunal shall be the person who has held the post of Additional Commissioner Commercial Tax in Madhya Pradesh or Chattisgarh at least for three years. (3) (a) The Chairman shall hold office as such for a term of five years from the date on which he assumes charge or until he attains the age of sixty five years whichever is earlier. (b) The Member shall hold office as such for a term of two years from the date on which he assumes charge or until he attains the age of sixty two years, whichever is earlier. (4) The Chairman or Member of the Tribunal may at any time tender his resignation from the post and such resignation shall take effect from the date of acceptance by the State Government. (5) The State Government may terminate before the expiry of the tenure the appointment of the Chairman or Member of the Tribunal, if the Chairman or the Member: (a) is adjudged as an insolvent; or (b) is engaged during his term of office in any paid employment outside the duties of his office; or (c) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or (d) is convicted of an offence involving moral turpitude. (6) The head quarters of the Tribunal shall be at Raipur. (7) The functions of the Tribunal may be performed by any one of the Chairman / Member or the full bench. An appeal against the order of the Commissioner shall be heard and decided either by the Chairman or by a bench consisting of the Chairman and Member. (8) In case Chairman/Member of the Tribunal has a difference of opinion about any earlier judgement passed by a single member then the case shall be referred to the full bench. (9) The Tribunal shall, in consultation with State Government for the purpose of regulating its procedure and disposal of its business, make regulations consistent with the provisions of the Act and the rules

made thereunder. (10) The salaries, allowances and other terms and conditions of service of the Chairman and Member of Tribunal shall be such as the State Government may, by order, specify but shall not be disadvantageous from their previous service. (11)(a) The State Government shall determine the nature and category of the officers and other employees required to assist the Tribunal in the discharge of its function and provide the Tribunal such officers and other employees as it may think fit. (b) The officer and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairman. (c) The salaries and allowances and conditions of service of the officers and other employees of the Tribunal shall be such as may be specified by the State Government."

CHAPTER 3  
CHAPTER III

**5. Limit of turnover under sub-section (1) of section 4 and limit of aggregate amount of purchase prices under clause (b) of sub-section (2) of section 9 :-**

(1) For the purpose of sub-section (1) of section 4, the limit shall be, (a) in relation to a dealer who imports goods into the State of value not less than rupees one lac in any Rupees two lack. Year. (b) in relation to a dealer who manufactures within the State any goods of value not less than rupees one lack Rupees two lack. in any year (c) in relation to a dealer not falling in clauses (a) and (b) Rupees five lac. (2) For the purpose of clause (b) of sub-section (2) of section 9 the limit shall be rupees ten lac.

**6. Initiation of proceedings for determination of liability :-**

(1) The proceeding for determination of liability of a dealer under sub -section (1) of section 5 shall be initiated by issue of notice in form1. (2) The order determining the liability of a dealer under sub-section (1) of section 5 shall be in form 2. A copy of such order shall be served on the dealer within thirty days from the date of passing that order.

**7. Manner of proving payment of tax by the contractor and the principal or the commission agent :-**

(1) A claim made by a contractor under clause (b) of sub-section (1) of section 6 shall be supported by a declaration in form 3 to be issued by the sub-contractor and shall be admitted in proof of such claim. (2) A claim made by a principal under sub-clause (i) of clause (b) of sub-section (2) of section 6 shall be supported by an

adat patti or sale account issued by the commission agent in accordance with the system prevalent in the market and shall be admitted in proof of such claim. (3) A claim made by a commission agent under sub-clause (ii) of clause (b) of sub-section (2) of section 6 shall be supported by a declaration in form 4 issued by the principal and shall be admitted as proof in support of such claim.

## **8. Composition of Tax :-**

(1) Every registered dealer referred to in sub-section(1) of section 10 desirous of making a lump sum payment by way of composition in respect of the tax payable by him in relation to goods to be supplied in the execution of works contract or contracts, shall within thirty days of the commencement of the execution of works contract or contracts, unless prevented by sufficient cause, make an application in form 5 to appropriate Commercial Tax Officer. (2) On receipt of the application the appropriate Commercial Tax Officer shall verify the correctness of the application and on being satisfied, shall by an order in writing grant permission to the registered dealer to make lump sum payment by way of composition and send a copy thereof to the registered dealer making the application. (3) The amount to be paid in lump sum by way of composition shall be determined at the rate mentioned against each type of contract specified below and shall be so determined at such rate on the total monetary consideration received or receivable by the registered dealer in respect of such works contract.

<b>S.No.</b>	<b>Type of Contract</b>	<b>Rate at which lump sum shall be determined</b>
1.	Civil works like construction of building bridges, roads, dams, barrages, canals, diversion excluding.(a) supply and installation of air-coolers or air-conditioners, air conditioning equipment: (b) supply and fitting of electrical goods and equipments: (c) fabrication and installation of elevators (lifts) and escalators:	2 Per cent
2.	Fabrication and installation of plant and machinery.	3 Per cent
3.	Supply and installation of air conditioners, air coolers, air conditioning equipments including deep freezers, cold storage plant and humidification plants	10 Per cent
4.	All other contracts not specified in serial numbers 1 to 3 above.	4 Per cent



(4) On the commencement of the execution of works contract or contracts, a registered dealer to whom permission has been granted under sub rule (1) shall pay within thirty days of the receipt of the amount or the amount becoming recoverable, into the government treasury, that much amount out of the amount payable by way of composition on such amount, which remains after deduction therefrom the amount deducted at source under the provisions of sub-section (2) of section 27. (5) Every such registered dealer shall within thirty days of the close of the quarter ending on 30th June, 30th September, 31st December, 31st March, send a statement in form 6 to the appropriate Commercial Tax Officer enclosing therewith the copies of the challan as also the certificate issued under sub-section(3) of section 27 by the person making the deduction of an amount at source under sub-section (2) of the said section in proof of the payment of lump sum amount by way of composition made during the quarter. (6) On receipt of the statement in form 6 the appropriate Commercial Tax Officer shall verify the correctness of the amounts paid by way of composition by the registered dealer. If he is not satisfied about the correctness of the payments made, he shall, by order in writing, determine the correct amount payable by the registered dealer during the quarter and if the amount so determined is more than the amount paid by the registered dealer the Commercial Tax Officer shall require the registered dealer to pay the balance of the amount within fifteen days from the date of service of the notice of demand issued by him for this purpose. The registered dealer, on payment of the balance within the specified time, shall send a copy of the challan to the appropriate Commercial Tax Officer in proof of such payment within seven days of the date of payment. (7) Where the registered dealer fails to pay the balance of the amount within the time specified in the notice of demand issued under sub rule (6) or within such further time as may have been granted to him for the purpose on an application made by him in this behalf, the appropriate Commercial Tax Officer may revoke the permission granted to the registered dealer under sub rule (2) in respect of the works contract or contracts in relation to which such default has been committed and thereupon the registered dealer shall be liable to be assessed under section 21 in respect of such works contract or contracts in relation to which permission has been revoked. (8) When the permission granted to a registered dealer under sub rule (2) is revoked under sub rule (7), the provisions of section 19,21,41 and 42 shall apply to such registered dealer in relation to the works contract in respect of which permission had been granted to him. (9) A registered dealer eligible to pay a lump sum in lieu of tax by way of composition under sub section (2) of section 10, may opt for such composition and give his option in form 5 to the appropriate Commercial Tax Officer within the period specified in clause (a) of sub section (2) of section 10. (10) The lump sum payable by a registered dealer shall be one half percent of his turnover of goods other than cooked food specified in schedule II and 8 percent of his turnover of cooked food for every quarter of the year for which the option has been given. Such lump sum shall be paid within fifteen days of the expiry of the quarter by challan in form 34. A copy of challan in proof of such payment along with the statement of sales in form 7 during the paid period shall be sent to the appropriate Commercial Tax Officer within seven days of such payment. (11) Where an option given by a registered dealer under clause (a) of sub section (2) of section 10 stands revoked under the provisions of clause (b) of said sub section, such dealer shall, for the period from the date on which the option stands revoked, to the date of expiry of the year for which the option has been given shall furnish returns in accordance with the provisions of section 19.

#### CHAPTER 4

#### CHAPTER IV

### **9. Claiming by or allowing to a registered dealer rebate of input tax under sections 13 and 73 :-**

(1) Any claim in respect of input tax rebate that may be made by a

registered dealer under sub-section (1) of section 13, in his return under section 19 shall be supported by a bill, invoice or cash memorandum issued by the selling registered dealer. Any such claim in respect of the input tax rebate shall be made by such registered dealer in his return in form 17 and such claim shall be allowed at the time of assessment under sub section (4) sub section (5) or sub section (6) of section 21 on the production of the relevant bill, invoice or cash memorandum. No such claim shall be made or be allowed if the said bill, invoice or cash memorandum does not indicate the amount of tax collected by the selling registered dealer. (2) Where a registered dealer, other than a registered dealer who dispatches any goods specified in schedule II to another such dealer for sale on commission, purchases such goods specified in the said schedule taxable under clause (i) of section 8 from another registered dealer for sale or for use or consumption for/in the manufacture or for/in mining of goods specified in the said schedule for sale within the state of Chattisgarh or in the course of interstate trade and commerce or for sale outside the state and any goods specified in the said schedule and schedule I for sale in the course of export out of the territory of India, the input tax rebate under sub-section (1) of section 13 shall be claimed by or be allowed to such dealer to the extent of the amount of the tax under clause (i) of section 8 collected by the selling registered dealer in respect of such goods and indicated in the relevant bill, invoice or cash memorandum. Provided that input tax rebate in respect of the sale of goods and the goods used/consumed for/in manufacture or for/in mining of goods specified in schedule II sold outside the state of Chattisgarh by way of stock transfer be allowed at the rate which is in excess of four percent of input tax. (a) Where a registered dealer purchases capital goods for use in the course of business or for use/consumption in the manufactures or for/in mining of goods for sale, the input tax rebate under section 13 equal to the amount of tax arrived at, as per the provisions of sub-rule (2), be claimed or be allowed to such dealer. (b) The amount of input tax rebate to the credit of a registered dealer on the purchase of capital goods shall be claimed or be allowed: (i) In 36 equal monthly installments from the date of commencement of business or from the date of commencement of production, by a dealer establishing new industrial unit, (ii) In 36 equal monthly installment from the date of first purchase by a dealer purchasing capital goods for use in existing business or industrial unit if the purchase value of such

capital goods is more than rupees one lac in a month and in one installment if the purchase value is less than rupees one lac in a month. Where a registered dealer (commission agent) receives any goods specified in schedule II from another such dealer (principal) for sale on commission, input tax rebate in respect of goods referred to in sub-rule (1) shall be claimed by or allowed to the commission agent when such claim is supported by a declaration in form 8 issued by the principal and a declaration in form 9 given by him (commission agent) Where a registered dealer (principal) sells any goods which have borne tax under section 8(i) or sells any goods manufactured by him by consumption or use of any goods specified in schedule II other than those specified in schedule III and also dispatches goods to the commission agent for sale on commission, such dealer (principal) shall claim or be allowed input tax rebate only in respect of the sale of the said goods sold by him or the goods that have been used or consumed in the manufacture of the goods sold by him. If input tax rebate has been claimed by him in respect of any such goods subsequently despatched to a commission agent for sale on commission such dealer (principal) shall be liable to pay tax under section 8(i) in accordance with the provisions of clause (a) of sub-section (5) of section 13. (a) A registered dealer shall claim or he allowed input tax rebate under section 73, if he has furnished the statement of stock in the manner laid down in rule 80. (b) A registered dealer who claims or is to be allowed input tax rebate under sub-section (2) or (3) of section 73 and proves to the satisfaction of the assessing authority that the goods specified in schedule II or goods used/consumed in manufacture of such goods held in stock on the date of the commencement of this Act, were liable to tax at the hands of the selling registered dealer on the date of purchase under the repealed Act, and the element of tax is included in the sale price then the element of tax, that such goods had borne shall be calculated by applying the following formula. The tax so calculated shall be deducted from the sale price to arrive at the net turnover: 
$$\text{Sale price} \times \frac{\text{rate of tax under the repealed Act}}{100 \text{ rate of tax under the repealed Act}}$$
 (c) If the registered dealer fails to prove to the satisfaction of the assessing authority that the goods referred to in clause (a) above were liable to tax at the hands of the selling registered dealer, tax shall be calculated in accordance with the provisions of clause (a) on the seventy five percent of the turnover computed and the amount of tax so calculated shall be deducted from the seventy five percent of the sale price of the selling

registered dealer to arrive at net turnover. On the net turnover so computed tax shall be calculated at the rate specified in sub-section (2) or (3), as the case may be, of section 73 and input tax rebate equal to the amount of tax so calculated shall be claimed by or be allowed to the registered dealer. The amount of input tax rebate to the credit of a registered dealer computed in accordance with the provisions of sub-section (2) or (3) of section 73 of the Act shall be claimed or be allowed in twelve equal installments within a period of one year commencing from the date of commencement of the Act. The installment of the input tax rebate, relating to each month shall be claimed or be allowed at the beginning of such month. Explanation-For the purpose of sub-rule (5), the expression "sale price" used in the formula given thereof means the sale price of the goods at the hands of the selling registered dealer from whom the tax paid goods relating to which input tax rebate is claimed by the registered dealer had been purchased.

#### CHAPTER 5

#### CHAPTER V

### **10. Period for making an application for grant of registration certificate :-**

(1) A dealer required to get himself registered under sub-section (1) of section 16 shall apply for grant of a registration certificate in the manner laid down in rule 11. (2) A dealer required to get himself registered under clause (a) of sub-section (2) of section 16 shall apply for grant of registration certificate in the manner laid down in rule 11 within thirty days of the date specified in the said clause.

### **11. Application for grant of registration certificate :-**

(1) (a) Application for grant of registration certificate under section 16 shall be made in form 10 in duplicate to the registering authority and shall be – (i) signed by the proprietor of the business or in the case of a partnership by a partner or director of the firm or in the case of a Hindu undivided family business by the manager or karta of the Hindu undivided family or in the case of a company incorporated or deemed to be incorporated under the Companies Act, 1956 (No. 1 of 1956), or any other law for the time being in force by the principal officer managing the business or in case of a society, club or association by the president or secretary responsible for the management of such society, club or association or in the case of the central or a state government or any of their departments, by the officer-in-charge of the business but who has

place of business in the state, by his manager or agent; (ii) verified in the manner provided of selling or supplying or distributing goods and in the case of a dealer who resides outside the State in the said form; and (iii) accompanied by passport size photograph(s) of the proprietor or each of the adult partners of the firm, or of each adult co-partner of the Hindu undivided family, as the case may be, duly attested by a lawyer, or a tax practitioner or a gazetted officer. (b) A dealer who desires to obtain registration certificate voluntarily under clause (c) of sub-section (2) of section 16 or a person, an intending manufacturer who desires to obtain registration certificate under clause (d) of sub section (2) of section 16 may make an application in form 10 in the manner laid down in clause (a) to the registering authority. (2) The commissioner may, on an application made by a dealer having more than one place of business in the state and on being satisfied about the genuineness of the grounds put forth in the application, grant him permission in writing to apply to the registering authority for grant of registration certificate separately for each place of business : Provided that for the purpose of determining the liability of such dealer for payment of tax under the Act his turnover in respect of all the places of business in the State shall be taken into consideration. (3) An application for grant of registration certificate under section 18 shall be made in form 14 to the registering authority and shall be signed and verified in the manner laid down in clauses (i) and (ii) of sub rule (1).

## **12. Grant of Registration Certificate :-**

(1) (i) On the day, the application for grant of registration certificate under section 16 is received, the registering authority shall grant to the applicant a registration certificate in form 11. (ii) On the day the application for grant of registration certificate under section 18 is received, the registering authority shall grant a registration certificate in form 15. (2) After the issue of the registration certificate, the registering authority shall, with a view to verify the correctness of the particulars given in the application, call for the applicants accounts and require him to produce evidence and documents in support of the particulars given in the application. On verification of the accounts and the documents furnished to him if the registering authority is satisfied about the correctness of the particulars given in the application are incorrect, it shall reject the application and cancel the registration certificate in accordance with the provision of clause (c) of sub section (4) of

section 16. (3) The requirement to furnish the evidence and documents under sub-rule (2) shall be limited to the particulars given in the application in form 10 for grant of a registration certificate.

**13. Grant of duplicate copy of registration certificate :-**

If a registration certificate granted under these rules is lost, destroyed, defaced or becomes unintelligible, the registering authority shall on application and on payment of a fee of rupees fifty per copy, grant a duplicate registration certificate. Such certificate shall be stamped "Duplicate" in red ink.

**14. Supply of certified copies of registration certificate and its exhibition :-**

(1) The registering authority shall issue to the dealer a certified copy of the registration certificate and where the dealer has more than one place of business in the State, he shall issue to the dealer two certified copies of the registration certificate for every additional place of business enumerated therein. (2) Every registered dealer shall conspicuously display at each place of his business the registration certificate or the certified copy thereof.

**15. Information under Sub-section (8) of section 16 :-**

(1) Every dealer or if he dies, his legal representative who is required to furnish information under sub-section (8) of section 16, shall, within thirty days of the occurrence of any event specified therein furnish the information relating to such event in writing together with his registration certificate, if any, to the registering authority for cancellation, amendment or replacement thereof, as the case may be. (2) If a dealer enters into partnership in regard to his business, he shall report the fact to the registering authority within thirty days of entering into such partnership. (3) If a partnership is dissolved every person who was a partner shall send a report of the dissolution to the registering Authority within thirty days of such dissolution.

**16. Amendment of registration certificate :-**

(1) Where any registered dealer on the occurrence of any event referred to in sub-section (8) of section 16 or in pursuance of any other provision of the Act. makes an application for amendment of his registration certificate, the registering authority, if it is satisfied after making such enquiry as it may think necessary, that the information furnished by the applicant is correct, shall amend the registration certificate of the applicant within the period specified in

clause (a) of sub-section (9) of section 16. (2) If on enquiry made in respect of the application made by a registered dealer, the registering authority is not satisfied about the correctness of the information given in the application, it shall, for reasons to be recorded in writing, reject the application of the applicant within the period specified in clause (a) of sub-section (9) of section 16. An intimation regarding the rejection of the application for amendment, stating reasons therefor, shall be sent to the applicant within seven days of the date of the order rejecting the application. (3) Where any person holding a registration certificate issued under section 18 of the Act, makes an application for amendment of registration certificate, the registering authority, after making such enquiry as it deems necessary, shall amend the registration certificate.

**17. Information on the death of a dealer :-**

When any dealer dies, his legal representative shall, within thirty days of his death, inform the registering authority about it in writing.

**18. Cancellation of registration certificate under sub-section (10) of sec. 16 :-**

(1) When a registration certificate issued to a dealer becomes liable for cancellation under clauses (a), (b) or (c) of sub-section (10) of section 16 the registering authority shall after making such enquiry as it thinks necessary, cancel the registration certificate of the dealer. (2) A dealer may apply to the registering authority in form 12 for the cancellation of his registration certificate on any of the grounds mentioned in clauses (a), (b) or (c) of sub-section (10) of section 16. If the application is on the ground mentioned in clause (a) of sub-section (10) of section 16 he shall also tender along with the application the registration certificate together with certified copies thereof, if any. On the receipt of such application, the registering authority shall, if it is satisfied after making such enquiries as it deems necessary, that the application is correct, cancel the registration certificate. (3) If in the opinion of the registering authority there are reasons for cancellation of the registration certificate of a dealer under clause (d) or clause (e) of sub-section (10) of section 16 it shall, after giving the dealer a reasonable opportunity of being heard, pass such order as it deems fit. (4) The cancellation of the registration certificate under sub-rule (2) or sub-rule (3) shall take effect from (i) the date of discontinuance or transfer of business, if the case falls in clause (a)

of sub-section (10) of section 16; and (ii) the date of communication of order to the dealer if the case falls in clause (b), clause (c), clause (d) or clause (e) of sub-section (10) of section 16 : (5) Where an application has been made by the dealer under sub-rule (2) for the cancellation of his registration certificate on the ground mentioned in clause (b) or clause (c) of sub-section (10) of section 16 and no orders are passed and communicated to the dealer within a period of six months from the date of receipt of such application, it shall be deemed that his registration certificate is cancelled with effect from the date immediately following the date of expiry of a period of six months from the date of receipt of such application and thereupon such dealer shall send an intimation in form 13 to that effect to the registering authority. (6) The list of registration certificates cancelled during a year shall be exhibited on the notice board of the office of the registering authority and be given wide publicity, in such manner as the commissioner may, by general order, direct. (7) Where any person holding a registration certificate issued under section 18, makes an application for cancellation of registration certificate the registering authority, after making such enquiry as he deems necessary, shall cancel the registration certificate.

**19. Submission of registration certificate for cancellation :-**

(1) (a) A dealer, whose registration certificate is cancelled by an order of the registering authority under sub-rule (2) or sub-rule (3) of rule 18, shall within seven days from the date of communication to him of such order submit his registration certificate together with certified copies thereof, if any, to the registering authority for cancellation. (b) A dealer whose registration certificate is deemed to be cancelled under the proviso to sub-rule (5) of rule 18, shall within seven days from the expiry of the period of six months specified in the said proviso, submit his registration certificate together with certified copies thereof, if any, along with an application in form 13 to the registering authority for cancellation. (2) If any such dealer dies before submitting his registration certificate under clause (a) or clause (b) of sub-rule (1) his legal representative shall submit the said certificate and the certified copies thereof, if any, to the registering authority within the period mentioned in sub-rule (1).

CHAPTER 6  
CHAPTER VI

**20. Returns :-**



(1) Any dealer, other than a registered dealer, required to do so by the commissioner by issue of a notice in form 16 shall furnish to the appropriate Commercial Tax Officer within thirty days from the date of service of such notice a return or returns in form 17. (2) (a) Subject to the provisions of sub-rules (3), (4) and (5) every registered dealer and every dealer whose registration certificate has been cancelled under clause (d) or clause (e) of sub-section (10) of section 16 of the Act on or after the date of commencement of the Act shall furnish to the appropriate Commercial Tax Officer for each quarter of a year a quarterly return in form 17 within thirty days from the date of expiry of the quarter to which the return relates. Every such return shall be accompanied by a treasury receipted challan in form 34 in proof of the payment of tax payable according to such return: (b) Every registered dealer specified in clause (a) shall furnish a statement in form 18 for a year within 8 months of the expiry of the year showing therein the amount of tax and interest payable and paid by him, if any, or the amount of input tax rebate due to him and refundable to him or adjustable towards the tax payable by him for the period subsequent to the year to which such statement relates. Every such dealer required to furnish the audit report under sub-section (2) of section 41 shall also furnish such report along with the statement. (3) A registered dealer having more than one place of business in the state shall furnish a consolidated quarterly return in form 17 and a consolidated statement for a year in form 18 for all the places of business and each of such returns in form 17 separately for each of such places of business in the state within the period specified in sub-rule (2). Each consolidated return shall be accompanied by a treasury receipted challan in form 34 in proof of the payment of tax payable according to such consolidated quarterly return. (4) If a dealer becomes liable to pay tax during any quarter of a year, other than the last quarter of that year, the return in form 17 for the subsequent month or quarter shall include the broken period relating to the preceding month or quarter, as the case may be. (5) Where the commissioner permits under the provisions of rule 24 a registered dealer specified in clause (a) of sub-rule (2) to file a return for a different period he shall furnish such return in form 17 by such date as the commissioner may direct. (6) Where any business is in charge of a guardian, trustee or agent of a minor or other incapacitated person, or is carried on, as a guardian, trustee or agent on behalf and for the benefit of such minor or other incapacitated person, such guardian, trustee or agent shall, in

respect of the turnover of the said business furnish the returns in accordance with the provisions of sub-rule (2) or sub-rule (3), as the case may be. (7) Notwithstanding anything contained in the provisions of sub-rule (3), if on the application of any registered dealer having more than one place of business in the state, the commissioner is satisfied that submission of separate returns under the said sub-rule is not necessary, he may, by an order in writing exempt such dealer from submitting such returns and statement with effect from such date as may be specified in the order.

### **21. Monthly Returns :-**

(1) The commissioner may, after giving any registered dealer referred to in clause (a) of sub-rule (2) of rule 20 a reasonable opportunity of being heard and for reasons to be recorded in writing, fix monthly returns for such dealer. Every such dealer shall furnish the return in form 17 for each month within fifteen days of its expiry. (3) The provisions of rule 20 shall, as far as may be, apply to returns furnished under this rule.

### **22. Revised return :-**

(1) (a) A registered dealer who desires to submit a revised return under sub-section (2) of section 19, in respect of any quarter of a year other than the last quarter, shall do so at any time before the date on which the return for the last quarter of that year becomes due or would have become due but for the closure of his business. (b) A revised return in respect of the last quarter of such year shall be furnished by him at any time before the date on which return for the first quarter of the year immediately succeeding, becomes due or would have become due but for the closure of his business. (2) A revised return referred to in clause (a) or clause (b) of sub-rule (1) shall be furnished in form 17 and shall be accompanied by (a) an explanatory note specifying the omission, error or wrong statement by reason of which it has become necessary to furnish a revised return and indicating the difference between the original and the revised return. (b) a copy of challan in proof the payment of the amount of tax if any, payable in addition to the tax already paid along with the return filed under the provisions of clause (a) of sub-rule (2) of rule 20 and interest payable on such amount.

### **23. Terms and conditions subject to which exemption to any dealer from furnishing returns may be granted :-**

(1) A registered dealer required to furnish quarterly returns under clause (a) of sub-rule (2) of rule 20 may make an application in

form 19 for exemption from furnishing of quarterly returns to the Commissioner so as to reach him not later than thirty days of the commencement of the year for which the exemption is applied for, and if the Commissioner is satisfied that the dealer is not likely to make any taxable purchases or sales during any year, he may grant him an exemption certificate in form 20 for that year. (2) The exemption granted under sub-rule (1) shall be subject to the following terms and conditions, namely, (i) If the registered dealer makes during the period of exemption any sale or purchase which is taxable, he shall, within fifteen days from the date of such sale or purchase give information thereof to the appropriate Commercial Tax Officer. (ii) The registered dealer shall furnish the returns by the date and in the manner prescribed under these rules, beginning with the period commencing with the quarter during which the sale or purchase aforesaid takes place. (3) An exemption certificate granted under sub-rule (1) may, on an application made in form 19 by the dealer in this behalf, one month before the date of expiry of the period of exemption be renewed for one year at a time. (4) The Commissioner may, after giving the dealer a reasonable opportunity of being heard, and for reasons to be recorded in writing cancel any exemption certificate for good cause.

**24. Terms and conditions subject to which permission to furnish return for different period may be granted :-**

(1) A registered dealer required to furnish quarterly returns under clause (a) of sub-rule (2) of rule 20 may make an application to the Commissioner in form 21 for grant of permission under the proviso to sub-section (1) of section 19 to furnish an annual return. Such application shall be made within thirty days of the commencement of the year in relation to which the permission is sought and the Commissioner shall pass order on every such application before the expiry of the first quarter of the said year. (2) Permission under sub-rule (1) shall not be granted to a registered dealer who (a) is required to furnish monthly returns under rule 21; or (b) fails to pay any tax payable by him under the Act or under any earlier law, or under the Central Sales Tax Act, 1956 (74 of 1956); or under the Chattisgarh, Sthaniya Kshetra Me Mal Ke Praveshpar Ker Adhiniyam 1976 (52 of 1976) (c) fails without sufficient cause to furnish returns under the Act; or (d) is convicted of an offence punishable under the Act, or under any repealed Act; or (e) has not submitted all the returns for the year immediately preceding the year in respect of which the permission is sought. (3) Nothing

contained in sub-rule (2) shall restrict the Commissioner from permitting a dealer to furnish an annual return where such registered dealer is the Central or a State Government or any of their departments. (4) The permission shall be granted in form 22 and shall be subject to the following terms and conditions : (i) the registered dealer shall pay within thirty days of the expiry of each quarter tax equal to one fourth of the amount of tax to which he has been assessed for the latest preceding year or one fourth of the amount of tax payable according to his returns for the latest preceding year, whichever is greater; (ii) the registered dealer shall furnish the return within ninety days of the expiry of the period in respect of which such permission is granted and shall pay along with the return the balance of tax, if any, representing the difference between the tax payable according to such return and the tax already paid by him; (iii) the return for such different period shall be accompanied by a copy of challan in form 34 in respect of tax paid for the quarter or quarters of the period to which such return relates; (iv) the permission shall stand automatically revoked if the dealer is convicted of an offence punishable under the Act or under any repealed Act and in that case he shall furnish all the returns normally due from him in accordance with the provisions of section 19 within a period of thirty days from the date of such conviction; and (v) the permission granted under this rule shall be liable to be cancelled for breach of any of the terms and conditions subject to which it has been granted.

**25. Notice under sub-section (5) of section 19 :-**

(1) The notice under clause (a) of sub-section (5) of section 19 shall be in form 23. (2) The notice under clause (b) of sub-section (5) of section 19 shall be in form 24.

**26. Furnishing of return by persons liable for tax deduction at source :-**

(1) Every person liable for tax deduction at source under section 27 of Act shall furnish return in form 25 for each quarter of a year within thirty days of the expiry of the quarter. Every return shall be accompanied by treasury-receipted challan in form 35 in proof of payment of the amount payable according to such return. (2) Every person referred to in sub rule (1) shall furnish return even if no tax is payable by him for any quarter.

**27. Production of documents :-**

(1) A dealer who desires to claim deduction from his turnover under the provisions of sub-clause (1), (2) or (3) of clause (w) of section 2, shall produce at the time of assessment the cash memoranda, invoices or bills or purchase vouchers or other relevant documents in support of such claim. (2) A registered dealer who desires to claim deduction from his turnover in respect of sales of any goods by him liable to tax under section 8 on the ground that such sales are deemed to have taken place in the course of export out of the territory of India within the meaning of sub-section (3) of section 5 of the Central Sales Tax Act, 1956 (No. 74 of 1956), shall in support of his claim, produce a declaration in form 26 obtained from the purchasing registered dealer who actually sold the goods in the course of export out of the territory of India with the annual statement in form 18 and copies of relevant cash memoranda, invoices or bills before the assessing authority at the time of assessment.

**28. Selection of dealers for re-assessment under sub-section (2) of section 21 :-**

The Commissioner shall direct every year, that such number of dealers in each circle, deemed to have been assessed under sub-section (2) of section 21 as may be selected under a system that may be evolved by him, be assessed under sub-section (4) or sub-section (5) of section 21, as the case may be.

**29. Notice under sub-section (4) of section 21 :-**

The notice required to be issued under sub-section (4) of section 21 shall, as far as may be, be in form 27 and the date fixed for compliance therewith shall not ordinarily be less than thirty days from the date of service thereof.

**30. Manner of assessment, re-assessment and imposition of penalty :-**

(1) Where (a) a dealer has failed to comply with a notice issued under sub-section (1) of section 19; or (b) a registered dealer has failed without sufficient cause, to furnish returns in form 17 under clause (a) of sub-section (2) of section 19 for any period and the statement in form 18 under clause (a) of sub-section (2) of the said section by the prescribed date; or (c) a registered dealer has rendered himself liable to best judgment assessment under sub-section (5) of section 21; or (d) a dealer has rendered himself liable to best judgment assessment under sub-section (6) of section 21; or (e) the sale or purchase of goods by a dealer during any period

has been under assessed or has escaped assessment, or has been assessed at a lower rate or any deduction has wrongly been made there from or input tax rebate has incorrectly been allowed, or (f) a dealer has concealed his turnover or aggregate of purchase prices in respect of any goods or has furnished a false return, or (g) an assessment is rendered erroneous and prejudicial to the interest of revenue consequent to or in the light of any judgment or order of any court or tribunal, which has become final, then, in every such case, the assessing authority shall serve on the dealer a notice which shall, as far as may be, be in form 28 specifying the default, escapement or concealment, or incorrect allowance of input tax rebate, as the case may be, and call upon him to show cause by such date, ordinarily not less than thirty days from the date of service of the notice as may be fixed in that behalf, why he should not be assessed or re-assessed to tax or to the best of judgment and /or penalty should not be imposed upon him and direct him to produce on the said date his books of accounts and other documents which the assessing authority may require and any evidence which he may wish to produce in support of his objection : Provided that no such notice shall be necessary where the dealer, appearing before the assessing authority, waives such notice. (2) On the date fixed in the notice issued under sub-rule (1) or in case the notice is waived, on such date which may be fixed in this behalf, the assessing authority shall, after considering the objections raised by the dealer and examining such evidence as may be produced by him and after taking such other evidence as may be available, assess or reassess, the dealer to tax and/or impose penalty or pass any other suitable order. (3) In making an assessment to the best of his judgement under sub-section (5) or sub-section (6) of section 21 the assessing authority shall, as far as practicable, have due regard to the extent of the business carried on by the dealer, the surrounding circumstances and all other matters which may be of assistance in arriving at a fair and proper estimate of the taxable turnover of the dealer.

**31. Notice under sub-section (6) of section 16, sub-section (8) of section 25, sub-section (2) of section 42, sub-section (2) of section 54, sub-section (6) of section 57 and rule 82 :-**

(1) Where (a) a dealer without reasonable cause fails to get himself registered within the prescribed time as required by sub-section (1) or sub-section (2) of section 16; or (b) a dealer fails to pay the tax

assessed or penalty imposed on him or any other amount due from him within the time specified therefor in the notice of demand and the dealer has not obtained any order under sub-section (7) of section 25 or has failed to pay tax or penalty in accordance with the order passed under sub-section (6) thereof; or (c) a registered dealer, who contravenes the provisions of sub-section (1) of section 42; or (d) a registered dealer has concealed his turnover or aggregate of purchase price or has furnished false particulars of sales/purchases in returns furnished by him; or (e) a dealer has not accounted for any goods in the books, registers or accounts maintained by him with a view to evade payment of tax; or (f) a dealer contravenes the provisions of any rule made under the Act, then, in every such case, the assessing authority or the authority competent to impose penalty, as the case may be, shall serve on the dealer, a notice which shall, as far as may be, be in form 29 specifying the default and call upon him to show cause by such date, ordinarily not less than fifteen days from the date of service of the notice, as may be fixed in that behalf, why a penalty should not be imposed upon him and may require him to produce any evidence which he may wish to produce in support of his objection ; Provided that no such notice shall be necessary when the dealer appearing before the assessing authority or the authority competent to impose penalty, as the case may be, waives such notice. (2) On the date fixed in the notice issued under sub-rule (1) the assessing authority or the authority competent to impose penalty, as the case may be, shall, after considering objections raised by the dealer and examining such evidence as may be produced by him and after taking such other evidence as may be available, impose a penalty or pass any other suitable order. An authenticated copy of the order shall be served on the dealer.

### **32. Form of order of assessment and/or penalty :-**

(1) The order of assessment or re-assessment shall be in form 30. (2) An order imposing a penalty under any of the provisions of the Act, or of the rules made thereunder in respect of any period may be incorporated in the order of assessment relating to that period unless it is passed separately. (3) An authenticated copy of the order mentioned in sub-rules (1) and (2) shall be served on the dealer.

### **33. Assessment case record :-**

(1) The papers relevant to the making of an assessment in respect of any particular dealer shall form an assessment case record, and

shall be arranged in two separate classes of files A and B which shall be kept together. The A class of file shall contain important papers such as order sheets, returns, challans, notices, assessment orders, documents, copies of decisions of appeal or revision. The B class of file shall contain the declarations and all other papers. (2) The A and B class of files shall be preserved for 6 years, from the date of the final disposal of the case.

#### **34. Enrolment of tax practitioners :-**

(1) Every person who is eligible to appear as a Tax Practitioner in any proceeding under the Act shall make an application in form 31 to the Commissioner. (2) Every person making an application for enrolment under sub-rule (1) shall deposit a fee of rupees one hundred. (3) On receipt of the application under sub-rule (1), the Commissioner after satisfying himself about the correctness of the particulars given in the application enroll the name of the applicant as Tax practitioner in the register in form 32 and shall grant to the applicant a certificate in form 33. (4) An intimation about enrollment as tax practitioner shall be sent by the Commissioner to such person. (5) If any tax practitioner found guilty of misconduct is disqualified under the provisions of sub-section (7) of section 24, the name of such person shall be removed from the register in form 32.

#### **35. Payment of tax :-**

(1) Every registered dealer, other than a dealer to whom the provisions of sub-rule (2) apply, shall pay tax quarterly within thirty days of expiry of the quarter to which the tax, to be paid relates. (2) (a) Every registered dealer liable to pay tax under the Act and required to furnish quarterly return shall pay on or before the 10th of the second and third month respectively, of every quarter, an amount equal to, (i) actual amount of tax payable by him for the first and second month of that quarter or one third of the tax deposited in respect of the corresponding quarter of the preceding year, if he is liable to pay tax under the Act ordinarily at the rate of rupees fifteen thousand per quarter or rupees sixty thousand per annum or above, and (ii) actual amount of tax payable by him for the first and second month of the quarter if he is liable to pay tax ordinarily at the rate of rupees twenty five lacs per quarter or rupees one crore per annum or above. Provided that for the last month of the last quarter the dealer specified in clause (i) shall pay either an amount, equal to one third of the tax deposited in respect of the last quarter of the preceding year or the



actual amount of tax payable for the first 25 days and the dealer specified in clause (ii) shall pay the actual amount of tax for the first 25 days before the last day of such last month. (b) the balance of the amount of tax due from him for a quarter, according to the returns, shall be paid on or before the date prescribed for furnishing for such return. (3) A dealer to whom permission has been granted under rule 24 to furnish return for different period, shall pay the tax for such period by the dates specified in the order in form 22.

### **36. Method of payment :-**

(1) Every dealer or person shall pay the amount of tax, penalty, fee, interest, or any other amount, direct into the Government Treasury or at the designated branch of a scheduled Bank which for the time being, is transacting treasury business of the Government of Chattisgarh, either in cash or by a cheque or bank draft drawn on any scheduled bank. Subject to the provisions of sub-rule (6), no payment of any such amount shall be accepted at the office of the Commercial Tax Officer or any other authority appointed by or under the Act : Provided that where the dealer is the Central or a State Government or any of their departments, the payment may be made by book adjustment and intimation thereof sent to the appropriate Commercial Tax Officer within thirty days of such payment. (2) Where payment of any amount payable under the Act other than the amount of tax deducted at source under section 27 is to be made in cash every such payment shall be made by a challan in form 34 and the payment of the amount of tax deducted at source under section 27 shall be made in form 35. The challan in form 34 or 35 shall be filled in five copies. (3) Where payment is made by cheque or bank draft, (a) the cheque or bank draft shall be crossed and made payable to the Government of Chattisgarh with the following endorsement : Pay to Government of Chattisgarh under head 040-commercial tax (b) the cheque or bank draft shall be tendered to the bank along with challan in form 34 or 35, as the case may be, in five copies duly filled in. Encashment of the cheque or bank draft and crediting of the amount of such cheque or bank draft into Government account shall be governed by the rules of the bank for the time being in force; (c) the cheque or bank draft shall be payable on the date of presentation and shall not be postdated; (d) the date on which adjustment is made and the amount covered by the cheque or bank draft is credited by the bank into Government account by challan, shall be deemed to be

the date of payment of the amount to which the cheque or bank draft relates. (4) Where payment of any amount under sub-rule (2) or sub-rule (3) is made into the bank directly, the challan presented by the dealer need not be passed by the Treasury Officer or the Commercial Tax Officer concerned and it shall be directly accepted by the bank. (5) On crediting the amount to Government account, the bank shall return to the payer the third and fourth copy of the challan duly signed and forward the original copy directly to the Commercial Tax Officer concerned and retain second and the fifth copy, to be forwarded to the Treasury Officer with the daily account. The fifth copy shall be sent by the Treasury Officer to the Accountant General, Chattisgarh. (6) Notwithstanding anything contained in sub-rule (1) any amount upto such a limit that the Commissioner with the previous approval of the State Government, notify, may be paid in the office of the appropriate Commercial Tax Officer.

**37. Fraction of a rupee to be rounded of :-**

If the amount of tax and/or penalty or interest includes a fraction of a rupee, a fraction of a rupee of and above fifty paise shall be rounded to the nearest rupee and a fraction of a rupee below fifty paise shall be omitted.

**38. Reconciliation of payments :-**

In the first week of each month, the appropriate Commercial Tax Officer shall prepare a statement of the collections of revenue and shall forward it to the Treasury Officer for verification. If any discrepancy is discovered at the time of verification, the appropriate Commercial Tax Officer shall send the necessary records to the Treasury Officer for reconciliation of accounts.

**39. Notice of demand for payment of any sum due under the Act :-**

Subject to the other provisions of these rules, if any sum is payable by a dealer or a person under any of the provisions of the Act or these rules, a notice in form 36 shall be served on him specifying a date, not less than thirty days from the date of service of the notice on which payment shall be made, and specifying a date on or before which the dealer or the person, as the case may be, shall produce or send the treasury receipted challan in proof of payment of such sum : Provided that, (i) where an order has been passed under section 48 or section 49 and the sum payable by the dealer or person under the Act or the rules has been quantified by the

authority passing such order, the balance, if any, or the additional amount, if any, to be paid as a consequence of such order shall be paid by the dealer or person within thirty days from the date of service of such order on him and he shall within the said period produce or send the treasury receipted challan in proof of payment of such sum to the appropriate assessing authority : (ii) where a dealer is the Central or a State Government or any of their departments, the payment may be made in the manner provided in rule 36.

**40. Recovery of tax, penalty, interest or any other sum payable under the Act :-**

If after the expiry of the date fixed under rule 39 or when the date is extended under sub-section (7) of section 25 after the expiry of the extended date, any amount of tax, penalty, interest, fee or any other sum payable under the Act by a dealer or person assessed or re-assessed, imposed or computed or payable, as the case may be, or any part thereof remains unpaid, the assessing authority shall apply to the competent authority to recover such amount as an arrear of land revenue.

**41. Notice for recovery of modified amount under sub-section (12) of section 25 :-**

The intimation required to be given to the dealer or the person, as the case may be, and the authority by whom or under whose order the recovery is to be made, shall as far as possible, be in form 37 and shall be given within six months from the date of order passed in appeal or revision under section 48 or section 49 or on rectification of mistake under section 56.

**42. Report of recovery of tax, penalty or any other amount :-**

After recovery of any tax, penalty, interest or any other amount due under the Act, the authority by whom or under whose order the recovery has been made under sub-section (11) of section 25 shall report to the assessing authority the amount so recovered and the number and date of the challan under which it is credited into the treasury.

**43. Notice of demand and payment of tax in advance of assessment and the manner of its payment :-**

(1) The notice under sub-section (3) of section 26 shall be in form 38. (2) The amount of the tax payable under section 26 shall be paid in the manner laid down in rule 36. (3) The tax demanded in

the notice in form 38 shall be payable within seven days from the date of the service of the notice.

**44. Payment of sums deducted under section 27 and issue of certificate thereof :-**

(1) The amount deducted under sub-section (1) of section 27 by a purchaser and the amount deducted by a person under sub-section (2) of the said section shall be deposited by him in the Government treasury by challan in form 35 within ten days from the date of deduction. (2) (a) For the amount deducted under sub-section (1) of section 27, the purchaser shall issue a certificate in form 39 in duplicate to the dealer supplying goods to the Central Government or the State Government within ten days of the deposit of such amount under the provision of sub rule(1). (b) For the amount deducted under sub-section (2) of section 27, the person shall issue a certificate in form 40 in duplicate to the contractor within ten days of the deposit of such amount under the provision of sub-rule (1). (3) Notwithstanding anything contained in sub-rule (2) of rule 20, the dealer supplying or selling goods to the Central Government or the State Government or the contractor supplying goods in the execution of a works contract let out by a person shall, unless the contrary is proved, be deemed to have paid tax on the turnover of goods sold to the Central Government or the State Government or the person, if he furnishes one copy of the certificate in form 39 or 40 as the case may be as if he had credited the amount of tax by the treasury challan. The certificate shall be filed along with the return in form 17 if the taxable turnover is included in the return or separately if it is received late from the Central Government or the State Government or from the person. (4) (a) For obtaining a certificate under section 28 a dealer or a contractor, as the case may be shall apply in form 41 the appropriate Commercial Tax Officer within thirty days from the date of supply of goods or the date of commencement of the supply of goods in the execution of a works contract. On the receipt of the application, the Commercial Tax Officer shall verify the particulars given in the application and if the application has been made after the aforesaid period, shall mentioning this fact send his report to the deputy commissioner within fifteen days of the receipt of the application. (b) On receipt of the report of the Commercial Tax Officer the deputy commissioner shall after satisfying himself about the correctness of the particulars given in the application and after condoning the delay, if any and recording in writing reasons

therefor, grant to the applicant certificate in form 42 within fifteen days of the report from the Commercial Tax Officer. (5) The statement required to be furnished under sub section (8) of section 27 shall be in form 43 and shall be furnished for every quarter of a year by the person referred to in the said sub-section to the Commercial Tax Officer of the circle wherein the selling dealer has obtained a registration certificate under section 16 of the Act within seven days of the expiry of the quarter.

**45. Notice for recovery from third parties :-**

Where the Commissioner or any Officer other than an Inspector appointed to assist him under section 3 proceeds under section 29 to recover any tax, interest, penalty or any other amount outstanding against a dealer from any other person from whom any amount is due to such dealer or who holds or may hold any money for or on account of such dealer, he shall issue a notice in form 44.

**46. Procedure for forfeiture of the amount collected by way of tax in contravention of the provisions of sub-section (1) of section 37 and for refund of such amount :-**

(1) The notice under sub-section (3) of section 37 shall be in form 45. (2) Where an order for forfeiture is made the authority passing the order therefor shall, by a notice placed on the notice board of its office, publish the following details for information of the persons concerned, namely (i) The name and address of the dealer and the registration certificate number, if any, in whose case the order is passed; (ii) Date of order; (iii) The amount forfeited; (iv) Description of goods in respect of which the amount forfeited was collected; (v) The period to which the order passed relates; (vi) Reasons for forfeiture. (3) The person from whom the forfeited amount had been unauthorisedly collected shall make an application in form 46 for claiming the refund of such amount.

CHAPTER 7  
CHAPTER VII

**47. Refund by cheque or by refund payment order :-**

(1) (a) When an order directing the refund of any amount has been made by an Assistant Commercial Tax Officer, or a Commercial Tax Officer, the Commercial Tax Officer and when such order is made by an Assistant Commissioner, the Assistant Commissioner shall grant such refund by cheque; Provided that till such time the State Government approves of a scheme and lays down procedure for refund of any such amount by cheque, such Commercial Tax Officer

or Assistant Commissioner shall issue to the dealer a refund payment order in form 47 for such amount as may remain after deducting any amount in respect of which a notice under sub-section (5) of section 25 has been issued or which has to be adjusted under rule 48. (b) Where the amount for which the cheque or the refund payment order is issued exceeds rupees five thousand, such cheque or refund payment order shall be crossed and made "Account Payee". (2) The refund payment order and a copy thereof for use in the treasury shall be delivered to the dealer for presentation to the treasury for obtaining the payment.

**48. Refund adjustment order :-**

(1) The Commercial Tax Officer or the Assistant Commissioner as the case may be, may issue a refund adjustment order in form 48 for the adjustment of the refundable amount towards the amount of tax payable according to the return or returns for any period following the date on which the refund is sanctioned. (2) If the authority empowered to grant a refund is required under sub-section (4) of section 39 to apply the refundable amount or part thereof towards the recovery of tax, penalty, interest or any other amount or part thereof due under the Act or the repealed Act or the Central Sales Tax Act, 1956 (No. 74 of 1956) it shall issue a refund adjustment order in respect of such amount. (3) The refund adjustment order shall be made out in triplicate, one copy shall be issued to the dealer, second copy marked at top as for use in treasury only shall be sent to the Treasury Officer and the third copy shall be retained by the authority issuing such order.

**49. Submission of refund adjustment order with the return :-**

In support of any claim for payment of tax payable according to any return by adjustment under rule 48, the dealer shall attach a copy of the refund adjustment order to such return to be furnished by him under the Act or under the Central Sales Tax Act, 1956 (No. 74 of 1956).

**50. Intimation of book numbers :-**

Every Commercial Tax Officer and an Assistant Commissioner issuing refund payment order or refund adjustment order shall intimate the numbers of the books thereof in use for the time being to the Treasury and Sub-treasury Officer within his jurisdiction.

**51. Order sanctioning interest on delayed refund :-**

Where a refund payment order is issued under rule 47 the authority

issuing such order shall simultaneously record an order sanctioning the interest payable under sub-section (5) of section 39, if any, on such refund specifying therein the amount of refund, the payment of which was delayed, the period of delay for which such interest is payable and the amount of interest payable by the State Government and shall communicate the same to the dealer to whom the interest is payable.

**52. Interest payment order :-**

(1) Where an order for the payment of interest on delayed refund under rule 51 has been made, the sanctioning authority shall make payment of the interest by cheque; Provided that till such time the State Government approves of a scheme and lays down procedure for payment of the amount of interest by cheque, the sanctioning authority shall issue to the dealer an interest payment order in form 49. (2) The interest payment order and a copy thereof for use in the treasury shall be delivered to the dealer for presentation to the treasury for obtaining payment.

CHAPTER 8  
CHAPTER VIII

**53. Furnishing of audit report and conditions to maintain accounts in different form and manner :-**

(1) Every dealer required to furnish audit report under sub-section (2) of section 41 shall furnish such report in form 50 to the appropriate Commercial Tax Officer along with the statement in form 18. (2) If the Commissioner considers it necessary that a dealer or class of dealers shall maintain accounts including records of sale or purchase in a particular form, he shall, after recording reasons therefor in writing – (i) by issue of an order in form 51 to such dealer, or (ii) by issue of a notification under sub-section (2) of section 41 to such class of dealers, direct to maintain accounts in the form appended to the order/notification after the expiry of the month following that in which such order or notification is made or issued.

**54. Particulars required in a bill, invoice or cash memorandum :-**

Every registered dealer who is required under sub-section (1) of section 42 to issue a bill, invoice or a cash memorandum shall specify in the bill, invoice or cash memorandum, name and style, the address of his place of business and the number of his registration certificate, the particulars of goods sold, the sale price

thereof, the amount of tax collected under clause (i) and/or under clause (ii) of section 8 if collected separately and shall for each year serially number such bill, invoice or cash memorandum, and where the sale price is rupees one thousand or more the dealer shall enter in the bill, invoice or cash memorandum the full name and address of the buyer and his registration certificate number, if any.

#### CHAPTER 9

#### CHAPTER IX

### **55. Delegation of Commissioners powers :-**

The Commissioner may subject to restrictions and conditions specified in column (4) delegate the powers conferred and the duties imposed upon him under the section or, as the case may be, rule framed under the Act as specified in column (2) of the table below and described in corresponding entry in column (3), to the officer not below the rank specified in column (4) thereof:

<b>S.No. (1)</b>	<b>Section/ Rules (2)</b>	<b>Description of Power (3)</b>	<b>Designation of Officer and conditions of delegation (4)</b>
1	5	To determine liability to pay tax	Assistant Commercial Tax Officer
2	16 and 18	(i) To grant registration certificate under section 16 and 18 (ii) To impose penalty under subsection (6) of section 16, and (iii) To amend or cancel a registration certificate	Assistant Commercial Tax Officer
3	19	(i) To require any dealer to furnish returns	Assistant Commercial Tax Officer
		(ii) To exempt a dealer from furnishing returns or to permit a dealer to furnish returns for different period (iii) To exempt a registered dealer having more than one place of business from submitting separate returns in respect of each place of business	Deputy Commissioner
		(iv) To impose penalty	Assistant Commercial Tax Officer
		To make an assessment or reassessment of tax for any period in respect of turnover and/or to impose penalty or to levy interest or to grant further time to	(i) Assistant Commercial Tax Officer up to a turnover and/or aggregate of



4	21, 22, 25 and 36	pay such tax, interest and/or penalty or to allow the payment of tax, interest or penalty in installment, to set aside an ex-parte order and to exercise all other powers under sections 21,22,25 and 36.	purchase price of Rs. one crore (ii) Commercial Tax Officer upto a turnover and / or aggregate of purchase price of Rs. three crores, and (iii) Assistant Commissioner in respect of every dealer.
5	26	To require a registered dealer to pay tax in advance of assessment on failure to furnish returns.	Assistant Commercial Tax Officer
6	27	To impose penalty	Assistant Commercial Tax Officer
7	37	To pass an order including an order of forfeiture of any amount collected by any dealer or person in contravention of the provisions of sub-section (1) of section 37, publication of notice thereof and refund of such amount to the person from whom it was so collected.	Assistant Commercial Tax Officer
8	39	(i) To sanction refund of excess tax or penalty, interest , input tax rebate, or any other amount (ii) To sanction payment of interest on delayed refunds	Commercial Tax Officer
9	41	To require a registered dealer to keep accounts in a particular form and manner	Deputy Commissioner
10	42	To impose penalty for not issuing a bill, invoice or cash memo- randum or for not maintaining counterfoil or duplicate of such bill, invoice or cash memorandum or for not preserving the counter-foils thereof as per the provisions of section 42(1)	Assistant Commercial Tax Officer
11	44	To transfer any proceeding or any class of proceedings under any provision of the Act	Deputy Commissioner
		Power to call for	

12	46	information in certain cases	Assistant Commercial Tax Officer
13	49	Power of revision	Deputy Commissioner
14	54	To impose penalty	Assistant Commercial Tax Officer
15	56	To rectify mistake under subsection (I) of section 56	Assistant Commercial Tax Officer
16	57	(i) Powers under sub-sections (3) to (5) (ii) Powers under sub-section (6)	Inspector of Commercial Tax Assistant Commissioner
17	Rule 82	To impose penalty in respect of contravention of any rule	Assistant Commercial Tax Officer

### **56. Service of notice, summons and orders :-**

(1) Notice or summons or order under the Act or any rules made thereunder may be served by any of the following methods (i) by delivering or tendering to the addressee or his agent by hand of a copy of the notice, summons or order, or (ii) by post : Provided that if upon an attempt having been made to serve any such notice, summon or order by any of the above mentioned methods, the authority issuing it is satisfied that the addressee is avoiding the notice or summons or order or that for any other reason, the notice, summons or order can not be served by any of the above mentioned methods, the said authority shall cause such notice, summons or order to be served by affixing a copy thereof (a) if the addressee is a dealer, on some conspicuous part of the dealers office or the building in which his office is located or upon some conspicuous part of any place of the dealers business last notified by him; and (b) if the addressee is not a dealer, on some conspicuous part of his residence or office or the building in which his residence or office is located, and such service shall be deemed to have been made on the addressee personally. (2) When the officer serving a notice, summons, delivers or tenders a copy of the notice or summons to the addressee personally or to his agent he shall obtain the signature on the original notice, summons of the person to whom it is so delivered or tendered as an acknowledgment of service: Provided that where the addressee or his agent refuses to sign the acknowledgment the serving officer shall affix a copy of the notice, summons on the outer door or some other conspicuous part of the house in which the addressee ordinarily resides or carries on business or personally works for

gain. (3) When the notice or summons is served by affixing a copy thereof in accordance with the proviso to sub-rule (1) or sub-rule (2) the officer serving it shall return the original to the authority which issued the notice, summons with the report endorsed thereon or annexed thereto, stating that he so affixed the copy, the circumstances under which he did so and the name and address of the person, if any, by whom the addressee's office or residence or the building in which his office or residence is located or his place of business, was identified and, in whose presence the copy was affixed. The said officer shall also obtain the signature or thumb impression of the person identifying the addressee's residence or office or building or place of business, to his report. (4) When service is made by post, the service shall be deemed to have been effected by properly addressing, prepaying and posting by registered post with acknowledgment due the notice or summons or order and, unless the contrary is proved, the service shall be deemed to have been effected at the time at which the notice or summons or order would be delivered in the ordinary course by post. (5) The authority at whose instance the notice or summons or order was issued, shall, if it is satisfied from the report of the messenger or the postal acknowledgment or by taking such evidence it deems proper that the notice, summons or order has been served in accordance with this rule, record an order to that effect. If it is not satisfied that the notice or summons or order has been properly served, it may, after recording an order to that effect, direct the issue of a fresh notice or summons or order. (6) After a Hindu undivided family is partitioned, notice, summons or order, shall be served on the person who was last manager (Karta) of the Hindu undivided family immediately before the partition or if service of notice, summons or order on him is not possible for any reason, then on any adult who was a member of the Hindu undivided family immediately before the partition. (7) Where a firm or an association of persons is dissolved, notice, summons or order may be served on any person who was a partner (not being a minor) of the firm or member of the association, as the case may be, immediately before its dissolution. (8) Where any assessment is to be made in respect of a business which has been discontinued, a notice shall be served in the case of a firm or an association of persons, on any person who was a partner of such firm or member of such association at the time of its discontinuance or in the case of a company, on the principal officer thereof. Explanation-For the purpose of this rule, agent means a person entitled to appear in

accordance with the provisions of section 24 of the Act and includes a Manager, Clerk or Mukhtiar of the dealer or a Secretary, Director or Accountant of a company or an adult member of a Hindu undivided family, or any literate employee of a dealer unless the dealer has informed in writing the name of a person authorised to receive notice, summons or order on his behalf as an agent. (9) A summons under the Act or rules made there under shall be in the form 52.

#### CHAPTER 10

#### CHAPTER X

### **57. Filing of memorandum of appeal or application for revision :-**

(1) Every appeal or application for revision shall (a) be in writing; (b) specify the name and address of the appellant/applicant ; (c) specify the date of order against which it is made; (d) specify the date on which order was communicated to the appellant or applicant; (e) contain a clear statement of facts; (f) specify the grounds on which appeal or revision is preferred without any argument or narration and numbered consecutively; (g) state precisely the relief prayed for; and (h) be signed and verified by the appellant or applicant or an agent duly authorized by him in writing in this behalf in the following form, namely: I the appellant/applicant named in the above memorandum of appeal/application for revision do hereby declare that what is stated therein is true to the best of my knowledge and belief. (2) (a) The memorandum of appeal shall be accompanied by : (i) an authenticated copy of the impugned order; and (ii) a copy of the challan in proof of payment of the amount of tax and/or penalty, in accordance with the provisions of sub-section (4) of section 48; (b) The application for revision shall be accompanied by an authenticated copy of the impugned order. (3) An appeal against an order of assessment or against an order imposing penalty shall, as far as possible, be in form 53. (4) An application for revision shall, as far as possible, be in form 54, and shall be presented within a period of six calendar months from the date of the order against which it is filed. (5) The memorandum of appeal or application for revision shall be in duplicate and shall either be presented to the appellate or revisional authority or to such authority as the Commissioner may, by order, specify, by the appellant or the applicant or his agent or sent to such authority by registered post. When appeal or revision is presented by a person

duly authorised by the appellant or the applicant as required by sub-section (1) of section 24 it shall be accompanied by a duly stamped letter of authority appointing him as such. (6) The memorandum of appeal or an application for reference under section 55 shall be presented by the appellant or the applicant or by his agent to the Registrar or Clerk of Court of the Tribunal during office hours at the Tribunals headquarters or sent to it by registered post. (7) An appellate authority shall, ordinarily within thirty days of the presentation of the appeal, either admit or reject it after proper examination of the impugned order and/or the record relating to such order.

**58. Stay of recovery of the remaining amount :-**

The appellate authority on admitting an appeal, having satisfied about the correctness of the payment of tax and penalty, if any, made by the appellant in accordance with the provisions of sub-section (4) of section 48, shall stay the recovery of the remaining amount, pending the decision of the appeal and send an intimation thereof to the authority whose order is appealed against as also to the appellant, ordinarily within seven days from the date of the admission of the appeal.

**59. Summary rejection :-**

(1) If the memorandum of appeal or application for revision does not comply with all or any of the requirements of rule 57 or the appellant fails to pay in accordance with the provisions of sub-section (4) of section 48 the tax and/or penalty in respect of which the appeal has been preferred, the appeal or application for revision may be summarily rejected : Provided that no appeal or application for revision shall be summarily rejected under this sub-rule unless the appellant or applicant is given such opportunity as the appellate or the revisional authority thinks fit, to amend such memorandum of appeal or application for revision so as to bring it into conformity with the requirements of rule 57. (2) An appeal or application for revision may also be summarily rejected on any other ground which should be reduced in writing by the appellate or revisional authority : Provided that before an order summarily rejecting an appeal or application for revision under this sub-rule is passed, the appellant or applicant shall be given a reasonable opportunity of being heard. (3) Where an appeal is summarily rejected under sub-rule (1) on the ground that the appellant had failed to pay in accordance with the provisions of sub-section (4) of section 48 the amount of tax and/or penalty in respect of which the

appeal has been preferred, the appellate authority may, where, it is subsequently brought to its notice that the said amount was paid before filing the memorandum of appeal but the proof of payment was not furnished therewith, readmit the appeal.

**60. Hearing :-**

(1) If the appellate or revisional authority does not reject the appeal or application for revision summarily, it shall fix a date for hearing the appellant or applicant or his duly authorised agent. (2) The said authority may, at any stage, adjourn the hearing of an appeal or application for revision to any other date. (3) If on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or applicant does not appear before the said authority either in person or through a person duly authorised by the appellant or the applicant as required by sub-section (1) of section 24, the said authority may dismiss the appeal or application for revision or may decide it ex-parte as it thinks fit. (4) Where an appeal or revision is dismissed or decided ex-parte under sub-rule (3), the appellant or the applicant, as the case may be, may, within thirty days from the date of communication of such order apply to the appellate or revisional authority for re-admission or rehearing of the appeal or revision, as the case may be, and if the appellate or revisional authority is satisfied that the appellant or the applicant or a person duly authorised under sub-section (1) of section 24, was prevented by a sufficient cause from appearing when the appeal or revision was called for hearing, it may readmit or rehear the appeal or revision, as the case may be, upon such terms including terms as to cost and conditions as it may think fit.

**61. Notice to person likely to be affected adversely :-**

Before any appellate or revisional authority passes any order against any dealer or person in appeal or revision, enhancing an assessment or penalty or both it shall send or if he is present, deliver to the dealer or person a notice in form 55 and give him a reasonable opportunity of being heard.

**62. Supply of copy of order to the appellant or applicant and the officer concerned :-**

A copy of the order passed by the appellate authority other than the High Court or passed by the revisional authority in appeal or revision shall be supplied free of cost, to the appellant or applicant or the person affected thereby and another copy shall be sent to the officer whose order forms the subject matter of the appeal or

revision proceedings.

### **63. Fees :-**

(1) The fees payable in respect of appeal under section 48, application for revision under section 49 and miscellaneous application and petition for any relief shall be as follows : (i) on a memorandum of appeal under section 48 to the Appellate Deputy Commissioner Rs. Ten. (ii) on a memorandum of appeal under section 48 or sub-section (4) of section 49 to the Tribunal - Rs. Thirty. (iii) on an application for revision under section 49 - Rs. Ten. (iv) on any other miscellaneous application or petition for relief - Rs. Five. (2) Any officer appointed under section 3 before whom any proceeding against a dealer under the Act or the rules made thereunder is pending may, in his discretion, allow such dealer on his application to inspect the whole or any part of the record of such proceeding. If an application for inspection is made within three hours of the opening hours of office, the inspection shall, as far as possible, be allowed on the same day otherwise on the next working day. If the application is allowed, an inspection fee of rupees five for the first hour or part of first hour and one rupee for any subsequent hour or part thereof shall be charged. Inspection in the same manner and on the payment of same charge may be allowed of the record of any proceeding before any officer appointed under section 3 which have been closed : Provided that no inspection fee shall be charged for the inspection of the record of a pending proceeding by a dealer on any day fixed for the hearing of the case or for inspection of a record by Government Officers or other persons duly authorised in this behalf for Government purposes. Explanation-For the purpose of this proviso, the record of a pending proceeding includes the record of a closed proceeding which is called for a reference in the pending proceeding. (3) The dealer shall inspect the record in the presence of such official and between such hours as may be appointed for the purpose by the officer appointed under section 3. He shall not be allowed to use pen or ink during inspection nor shall he be allowed to remove the record or any part thereof from the place of inspection, or to make any mark upon the record or in any manner mutilate it. He shall also not be allowed to take a copy of any part of the record beyond taking down brief notes with a pencil for reference. (4) For the purpose of sub-rules (2) and (3) the word dealer shall include any person duly authorized by the dealer under sub-section (1) of section 24. (5) Copying fee shall be charged at

the following rates for grant of certified copies of documents Ordinary Urgent For every three hundred and sixty words or Five rupees Ten rupees less (6) All court-fee stamps affixed to petitions filed before any officer appointed under section 3 other than a Commercial Tax Inspector shall be punched immediately in the presence of the officer concerned. (7) Any party to a proceeding under the Act or any Rules made thereunder may apply to the appropriate authority having jurisdiction in respect of such proceeding or the custody of the records pertaining thereto for a certified copy of any document produced or filed in such proceeding or any order passed by such authority. (8) The application under sub-rule (7) shall be affixed with a court-fee stamp of the value specified in sub-rule (5) and shall be accompanied by a deposit of an amount to cover the cost of preparing certified copies according to the rate of fees specified in sub-rule (5). The amount calculated according to the said rate shall be retained by the said authority as copying fees and the surplus amount, if any, deposited by the party shall be refunded to it at the time of supplying the copy : Provided that the party shall, if the amount deposited by it is not sufficient to cover the copying fees, pay the deficit before taking delivery of the copy. (9) All fees payable under this rule shall be paid in court fee stamps. (10) No fee shall be payable in respect of any argument or objection in writing or in respect of any application which asks only for information and which does not seek any specific relief or in respect of any application for adjournment of hearing or in respect of any application for inspection of records.

**64. Notice for rectification of mistake under section 56 :-**

The notice required to be given under sub-section (1) of section 56 shall be in form 56.

CHAPTER 11

CHAPTER XI

**65. Production of documents and furnishing of information by dealers :-**

The inspecting Officer other than a Commercial Tax Inspector appointed under section 3, requiring a dealer the production of his accounts under clause (a) of sub-section (3) of section 57 may, by serving a notice in form 1 require such dealer to produce before him any accounts or documents or registers or to furnish any information relevant to his business or relating to profits derived from the business of any firm or the stocks of goods or purchase, manufacture, sales and deliveries of goods by the dealer, as may



be necessary for the purpose of the said section.

**66. Request for requisitioning the services of police officer :-**

The request for requisitioning the services of a police officer under sub-section (7) of section 57 shall be in form 57.

**67. Retention of seized books of accounts, registers and documents :-**

(1) If the inspecting officer seizes any books of accounts, registers or documents under sub-section (4) of section 57, he shall give a receipt therefor specifying in brief the particulars of the records so seized. (2) The regular accounts that is to say cash book and ledger of a dealer seized by the inspecting officer shall be scrutinized and returned to the dealer within a period of 120 days. If the scrutiny is not completed within the aforesaid period, the said authority may retain such accounts for a further period not exceeding 90 days, after recording reasons in writing therefor and after obtaining permission in writing from the Deputy Commissioner. Other books of accounts, registers and documents shall be retained as evidence till a final decision in the case of the dealer.

**68. Form of notice and Procedure for release or disposal by way of sale of goods seized under sub-section (6) of section 57 :-**

(1) The form of notice under clause (b) of sub section (6) of section 57 shall be in form 58. (2) Where any goods are released under clause (d) of sub-section (6) of section 57, the officer releasing the goods shall obtain a receipt therefor from the dealer or person from whom the goods were seized. (3) The goods required to be disposed of by way of sale under clause (f) of sub-section (6) of section 57 shall be so disposed of in the manner laid down for sale by or under the Chattisgarh Land Revenue Code 1959 (No.20 of 1959). (4) (a) Where any goods stored or kept by a dealer or person in any of the premises referred to in clause (a) of sub-section (5) of section 57 and disowned by such dealer or person are seized under clause (a) of sub-section (6) of the said section the particulars of such goods and the information about the seizure thereof shall be published in the form of a notice in the local news papers. (b) If no person claims the ownership of goods referred to in clause (a) within fifteen days of the date of publication of the notice, such goods shall be put up for sale in auction by issue of a public notice. On the sale of such goods, the sale proceeds shall be

deposited in the government treasury as miscellaneous receipt. (5) A dealer or person claiming ownership of the goods seized under clause (a) of sub-section (6) of section 57 or the person from whom the goods are seized shall file his objection, if any, under clause (h) of the said sub-section within fifteen days of the seizure of the goods or of the publication of notice referred to in clause (a) of sub-rule (5) whichever is later.

**69. Establishment of check posts and barriers :-**

(1) A check post shall be set up at a place notified by State Government or the Commissioner under sub-section(1) of section 58 by erecting a barrier across the road or thoroughfare to enable vehicles intercepted , detained or searched. (2) Every transporter transporting goods notified under sub-section (3) of section 58 (hereinafter referred to as the notified goods) shall carry with him an invoice, bill or chalan or any other document indicating the name of the consignor and consignee, the place of dispatch, the place of destination and the description, quantity and value of the goods and shall be signed by the consignor. (3) Every transporter transporting the notified goods beyond a check post or barrier, shall file in duplicate, before Check Post Officer, a true and complete declaration in form 59 obtained in the manner specified in sub-rule (1) of rule 74 duly signed and verified by the consignor. If the check post officer is satisfied that the particulars furnished in the declaration are correct, he shall sign with date in each copy of the declaration and mark it with seal of the check post. He shall then return one copy of declaration to the transporter. (4) The transporter shall produce the declaration duly signed and dated by the said officer for inspection and checking at any other check post which may fall on the route. (5) The copy of the declaration retained at the check post shall be forwarded after making entry thereof in the register kept at the check post, to the Commercial Tax Officer in whose circle the place of business of the consignor or consignee, as the case may be, is situated.

**70. Submission of declaration in case of a person :-**

When the goods, as are notified under sub-section (3) of section 58 belonging to a person other than a dealer are carried in a vehicle coming from any place outside the State or going to a place outside the State, the driver/any other person incharge of the vehicle shall submit a declaration in form 60.

**71. Records to be maintained and particulars to be**

**furnished by the person transporting any goods notified under sub-section (4) of section 58 :-**

(1) Every person transporting any notified goods shall keep and maintain true and correct record in respect of such goods transported by him showing the following particulars, namely, (i) Full name and address with number of registration certificate under the Chattisgarh Value Added Tax Act, 2005 (No. 2 of 2005) if any, of the consignor, (ii) Full name and address with number of the registration certificate under the Chattisgarh Value Added Tax Act, 2005 (No. 2 of certificate 2005) if any, of the consignee (iii) Place from which goods dispatched (iv) Destination (including district) (v) Description of goods (vi) Quantity or weight (vii) Value of the goods (viii) Consignors invoice No. and date, (ix) Name of the person to whom goods to be delivered, (x) Name and full address of the carrier (xi) Details of the vehicle transporting goods with its No. if any, (xii) Name, address and license number of the driver of the vehicle, (xiii) Name and address of the person (if any) in charge of the goods and shall, if so required by an officer not below the rank of Commercial Tax Officer, furnish such particulars, as he may require in respect of any transaction so far as it relates to the goods referred to above. (2) Where the goods have been dispatched by a consigning dealer to "self" and are delivered to any person other than the consignor himself, the person transporting the goods shall ascertain and keep record of the full name and address with registration certificate number under the Chattisgarh Value Added Tax Act, 2005 (No. 2 of 2005) if any, of the dealer taking the delivery or on whose behalf delivery is taken. (3) Every person who transports any goods notified under sub-section (3) of section 58 shall if so required by an officer not below the rank of Commercial Tax Officer, furnish to such officer particulars in respect of such goods transported by him in form 61. While calling for such information the officer shall allow, the person transporting the goods time, which shall not ordinarily be less than one week. (4) All accounts, records, registers and documents relating to the above transactions shall at all reasonable times be open to inspection by an officer not below the rank of Commercial Tax Officer.

**72. Inspection and search of the vehicle :-**

(1) The check post officer for ensuring that any vehicle is not being used for evasion of tax payable under the Act, require the transporter to stop the vehicle, and such person shall forthwith comply with such requirement and keep the vehicle stationary for

so long as is required by that officer. (2) The said officer may, thereupon, enter and search such vehicle and inspect all goods and documents concerning the goods or the vehicle which are being carried on such vehicle. In carrying out such search or inspection, the said officer may take assistance of any Inspector of Commercial Tax appointed under section 3 of the Act or any other staff subordinate to the said officer. The transporter shall forthwith furnish such particulars of goods and vehicle as may be required and shall render all possible assistance to the said officer in making the search or inspection.

**73. Procedure for seizure sale and release of goods or goods with vehicle :-**

(1) Where any goods or the vehicle along with the goods are seized by the check post officer under sub-section (7) of section 58, he shall prepare a list in duplicate of all such goods/vehicle bearing his own signature, and signature of the transporter and shall take all the measures necessary for their safe custody. One copy of the list shall be given to the transporter. (2) The notice under sub-section (11) of section 58 shall, as far as may be, be in form 62. (3) Where any goods/goods along with the vehicle/vehicle are released by the check post officer under sub-sections (10), (12) and (13) of section 58 he shall, on payment by the transporter of the goods expenses, if any, incurred by the check post officer for the safe custody of the goods and the incidental charges (which shall be specified in the order) order release of the goods and obtain a receipt therefor from the transporter. (4) If the amount of penalty imposed under sub-section (13) of section 58 is not paid within thirty days of the service of the order, the check post officer shall serve on the transporter a notice in form 63 to show cause why the goods or the vehicle along with the goods should not be disposed of by way of sale. (5) On being satisfied that the amount of penalty imposed under sub-section (13) of section 58 has not been paid by the transporter, the check post officer shall proceed to dispose of the goods or the vehicle along with the goods by way of sale. (6) The order of disposal of the goods or the vehicle along with the goods by way of sale shall be in form 64 and a copy of the order shall be served on the transporter. (7) The goods/vehicle required to be disposed of by way of sale under sub-section(15) of section 58 shall be disposed of by way of sale in the manner laid down by or under the Chattisgarh Land Revenue Code,1959 (No.20 of 1959).

**74. Procedure for obtaining and keeping record of the**

**declaration in form 59 :-**

(1) A registered dealer shall obtain, from the appropriate Commercial Tax Officer or any other officer as may be authorized by the Commissioner in this behalf, blank declaration in form 59. The counterfoil of the declaration forms shall be maintained by the dealer for a period of five years or such other period as may be specified by the Commissioner. (2) (a) The blank declaration form referred to in sub-rule(1) shall be in any colour determined by the Commissioner and shall be available in book form, each book containing 50 of such forms in triplicate and may be obtained from the authority mentioned in sub-rule (1) on payment of a fee of rupees fifty or rupee one per form. (b) For obtaining the declaration forms referred to in sub-rule (1), every registered dealer shall apply in writing in form 65 to the appropriate Commercial Tax Officer stating his requirement of such forms and shall furnish such other particulars, statements and information and produce such other documents as the Commercial Tax Officer may require for the purpose of satisfying himself about bonafide use of such forms issued on previous occasions and the bonafide nature of his requirement of forms on the present occasion. (c) The application in Form 65 shall be accompanied by a copy of the treasury receipted challan in form 34 in respect of the fee payable therefor under clause (a): Provided that where the fee payable does not exceed rupees two hundred at any one time, the payment may be made in cash in the office of the appropriate Commercial Tax Officer; (d) On receipt of the application under clause (b) the Commercial Tax Officer shall, with due regard to the requirements of the dealer supply the declaration forms on furnishing an acknowledgment thereof. (e) If for reasons to be recorded in writing the Commercial Tax Officer is not satisfied that the applicant has made bonafide use of the declaration forms previously issued to him or that the requirement of the declaration forms applied for is not bonafide he shall reject the application. (f) If for reasons to be recorded in writing the Commercial Tax Officer is not satisfied that the applicant requires the books of declaration forms in such numbers as he has applied for, he may issue such forms in such lesser number, as in his opinion, would satisfy the reasonable requirement of the applicant. Provided that new forms shall not be issued to a dealer until he has rendered account of the old forms lying with him and returned the balance, if any, in his hand to the appropriate Commercial Tax Officer. (g) If the Commercial Tax Officer is satisfied that the applicant at the time of making application has

defaulted in furnishing the returns or payment of tax as per return under the Act, or under the Central Sales Tax Act, 1956 (Act No. 74 of 1956) or under the Chattisgarh Sthaniya Kshetra Me Mal ke Pravesh Par Kar Adhiniyam, 1976 (No.52 of 1976) for any quarter or is in arrears of any dues under the above Acts in respect of any period, he may withhold the issue of the declaration forms to the applicant till such time the applicant furnishes the returns and pays the dues for the relevant period; (h) If the fee paid for the declaration forms is more than the fee payable for the number of forms issued, the balance shall be credited to the account of the dealer to be adjusted against any further issue or may be refunded to him on making an application by him. (3) Every such registered dealer to whom declaration in form 59 is issued shall maintain in a register in form 66 a true and correct account of every such form. If any such form is lost, destroyed or stolen, the dealer, shall report the fact to the said authority immediately, shall make appropriate entries in the remarks column of the register in form 66 and take such other steps to issue public notice of the loss, destruction or theft. (4) Where a declaration form either blank or duly completed is lost while it is in his custody before dispatch or lost in transit the dealer shall, besides taking action prescribed under sub-rule(3) furnish to the said authority, from whom the said forms were obtained, a reasonable security by way of an indemnity bond in form 67 separately for each form so lost, against any possible misuse of the said form. (5) The said authority shall, from time to time, publish in the official Gazette the particulars of the declaration form in respect of which a report is received under sub-rule(3). (6) Any unused declaration forms remaining in stock on the date of closure of business or on the date of making an application for cancellation of his registration certificate or on the date his registration certificate is cancelled otherwise, as the case may be, shall be surrendered to the issuing authority by such dealer within seven days of such date. (7) The Commissioner may, by notification, declare that declaration forms of a particular series, design or colour shall be deemed as obsolete and invalid with effect from such date as may be specified in the notification (8) When a notification declaring forms of a particular series, design or color as obsolete and invalid is published under sub-rule(7), all registered dealers shall, on or before the date with effect from which the forms are declared as obsolete and invalid surrender to the appropriate Commercial Tax Officer all unused forms of that series, design or colour which may be in their possession and obtain in

exchange such new forms as may be substituted for the forms declared obsolete and invalid. (9) The officer to whom the declaration forms are supplied for distribution to the registered dealer shall keep them in safe custody and maintain a proper account thereof in a register in form 68. (10) The Commissioner, may from time to time, by order specify the procedure regarding printing and distribution of the declaration forms, issue of transit pass as required, presentation and collection of declaration forms, and other documents at the check post and proper functioning of the check post.

**75. Transit of goods by road through the state and issue of transit pass :-**

(1) The transporter, in order to obtain a pass under section 59, shall submit an application in form 69 in triplicate to the check post officer of the check post or barrier, if any, established near the point of entry into the State (hereinafter referred to as the entry check post ). (2) The Check post Officer of the entry check post shall, after examining the documents and after making such enquiries as he deems necessary, issue to the transporter the duplicate and triplicate copies of the application, retaining the original himself as transit pass to the transporter. The pass shall specify the check post or the barrier of the State to be crossed by the vehicle (hereinafter referred to as the exit check post) and the time and date up to which it should be so crossed. (3) The transporter shall stop his vehicle at such exit check post, surrender the duplicate copy of the pass and allow the check post officer to inspect the documents, consignments and goods in order to ensure that the consignments being taken out of the State are the same for which the pass has been obtained. The Check post Officer of the exit check post shall issue a receipt on the triplicate copy of the pass for the duplicate copy surrendered by the transporter. (4) The Check post Officer of the exit check post shall have powers to detain, unload and search the contents of the vehicle for the purpose mentioned in sub-rule (3).

**76. Particulars to be given in the documents required to be carried by a transporter under sub section (1) of section-61 :-**

Every transporter transporting by road any goods shall give the particulars specified in sub rule(1) of rule 71 in the documents required to be furnished by him under sub-section(1) of section 61.

**77. Intimation to be given by clearing, forwarding, booking agent, dalal and person transporting goods :-**

(1) Every clearing, forwarding and booking agent, dalal and person transporting goods shall send an intimation in form 70 about the business carried on by him to the appropriate Commercial Tax Officer within thirty days from the date of coming into force of this rule or the commencement of business whichever is later and obtain an acknowledgment therefor from the Commercial Tax Officer. (2) The Commercial Tax Officer shall, on receipt of any intimation under sub-rule (1), enter in a register in form 71 the particulars given therein. (3) Where any goods handled by any agent or person referred to in sub-section(1) of section 62 have been consigned by the consignor to "self" and such goods are delivered by such agent or person to any person other than the consignor, the agent or person shall ascertain and keep the record of full name and address of the person taking delivery of the goods, the name of the dealer with his registration certificate number under the Act., if any, and if the person taking delivery is not a dealer but taking delivery for and on behalf of a dealer the name and address of such dealer and his registration certificate number under the Act. (4) All accounts, records, register and documents maintained by any agent or person referred to in sub-section (1) of section 62 shall at all reasonable times be open for inspection by any officer above the rank of an Assistant Commercial Tax Officer and by the Assistant Commercial Tax Officer with the written permission of the Commercial Tax Officer.

CHAPTER 12  
CHAPTER XII

**78. Issue of tax clearance certificates :-**

(1) Any dealer required to produce a tax clearance certificate under section 65 shall make an application in form 72 to the appropriate Commercial Tax Officer for grant of such certificate and shall obtain a written acknowledgment therefor. (2) (a) On receipt of the application, the appropriate Commercial Tax Officer shall grant a tax clearance certificate in form 73 to the dealer or reject the application within one month from the date of receipt of the application. An application for a tax clearance certificate shall be rejected, if the dealer is either in arrears of tax or has not furnished a return for any period. (b) Where an application is rejected, the appropriate Commercial Tax Officer shall specify the amount of arrears outstanding against the dealer. If the arrears are paid the



tax clearance certificate shall be granted to the dealer. The certificate shall be prepared in duplicate. One copy shall be given to the dealer and the other copy shall be retained by the appropriate Commercial Tax Officer for his record. Where an application is rejected the appropriate commercial tax officer shall immediately intimate this fact to the officer specified in serial number 7 of the application in form 72. (3) The tax clearance certificate granted under clause (a) of sub-rule (2) shall be valid for a period of one year from the date of its issue, if not cancelled. (4) Where facility to pay any amount in installments has been granted to a dealer under sub-section (7) of section 25 or where the recovery of any amount due has been stayed by any competent authority, such amount shall not be treated as an amount in arrears for the purpose of this rule unless the dealer has failed to pay any installment due from him.

**79. Procedure for determination under section 70 of disputed questions :-**

(1) (a) Every dealer desirous of raising a question for determination of the rate of tax on any goods, shall make an application to the Commissioner. (b) Every dealer making such application shall deposit a fee of rupees one hundred and enclose with the application a copy of chalan in form 34 in proof the payment of such fee. (2) Every application made under clause (a) of sub-rule (1) shall, (i) Be in duplicate. (ii) clearly state the facts relating to the goods in respect of which determination is sought, that is to say, their description, the use to which the goods are put to, specification thereof, raw material used in the manufacture of such goods and give a detailed description of the process of manufacture of the goods in question, (iii) Be accompanied by a sample, a copy of the sale voucher, purchase order and purchase voucher, if any ; (iv) Contain the dealers contention regarding the rate of tax and the entry of the schedule by which the goods are claimed to be covered. (3) Separate application shall be made for each of the goods in respect of which determination of the rate of tax is sought. (4) On receipt of the application, the Commissioner shall, after making such enquiry and calling for such additional information from the dealer as he deems necessary and after giving the dealer an opportunity of being heard, pass an order determining the rate of tax in respect of the goods covered by the documents received with the application. (5) A copy of the order passed under sub-rule(4) shall be served on the dealer.

**80. Furnishing of statement of goods held in stock on the date of commencement of the Act :-**

under section 73 -A registered dealer shall furnish a statement in form 74 in respect of goods, specified in schedule-II held in stock by him on the date of commencement of the Act and such statement shall be furnished by him to the appropriate Commercial Tax Officer within 30 days of such date.

**81. Acceptance of declaration or certificate :-**

(1) No selling registered dealer shall refuse to accept any declaration or certificate furnished by a purchasing registered dealer in accordance with any provision of the Act or rule made or any notification issued thereunder. (2) Any declaration or certificate required to be filed under the Act or the rules or any notification issued thereunder, shall not be rejected as invalid on the ground that it lacks in certain material particulars or is defective until the dealer is given a reasonable opportunity to supply the omission or to remove the defects occurring in such declaration or certificate or to furnish a fresh declaration or certificate.

**82. Imposition of penalty for breach of rules :-**

The Commissioner may impose a penalty not exceeding rupees five hundred on a dealer or a person, as the case may be, committing a breach of any of the provisions of these rules.

**83. Repeal :-**

The Chattisgarh Vanijyik Kar Niyam, 1995 are hereby repealed :  
Provided that such repeal shall not affect the previous operation of the said rules or anything done or any action taken there under