
Rajasthan Value Added Tax (Amendment) Ordinance, 2008**6 of 2008****[01 September 2008]****CONTENTS**

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Rajasthan Value Added Tax (Amendment) Ordinance, 2008**6 of 2008****[01 September 2008]**

(Promulgated by the Governor on the 8.9.2008) An Ordinance further to amend the Rajasthan Value Added Tax Act, 2003

1. Short title and commencement :-

(1) This Ordinance may be called the Rajasthan Value Added Tax (Amendment) Ordinance, 2008. (2) It shall be deemed to have come into force with effect from 1.4.2006.

2. Amendment of section 18 :-

For the existing sub-section (2) of Section 18, Rajasthan Value Added Tax Act, 2003, hereinafter referred to as the principal Act, the following shall be substituted, namely:- "(2) The claim of input tax credit shall be allowed on the tax deposited on the basis of original VAT invoice within three months from the date of issuance of such invoice. However, claim of input tax credit of the additional tax deposited may be allowed on the basis of VAT invoice which has been issued subsequently in compliance with the decision of any competent court or authority, showing the tax at higher rate. If the first original VAT invoice is lost, input tax credit may be allowed on the basis of a duplicate copy thereof, subject to such conditions as

may be prescribed."

3. Substitution of section 23 :-

For the existing section 23 of the principal Act, the following shall be substituted, namely:- "23. Self Assessment.- (1) Every registered dealer who has filed all the returns for the year within the prescribed time shall, subject to the provisions of section 24, be deemed to have been assessed for that year on the basis of such returns filed under section 21. (2) Notwithstanding anything contained in sub-section (1), a dealer may opt for quarterly assessment by informing his assessing authority or the officer authorized by the Commissioner in writing, his intention to do so, within thirty days of the commencement of the year for which such option is being exercised. The dealer who has exercised such option and filed return within the prescribed time, shall, subject to the provisions of section 24, be deemed to have been assessed on the basis of return filed under section 21 for the quarter to which it relates. However, for the year 2006-2007 to 2008-2009 such option can be exercised within thirty days from the date of commencement of the Rajasthan Value Added Tax (Amendment) Ordinance, 2008 (Ordinance No. 6 of 2008) in the prescribed manner. (3) The list of the registered dealers assessed under sub-section (1) or (2) may be published through electronic or print media and such publication shall be deemed to be due intimation to such dealers wherever required."

4. Substitution of section 24 :-

For the existing section 24 of the principal Act, the following shall be substituted, namely:- "24. Assessment. (1) Every return furnished by a registered dealer shall be subject to such scrutiny as may be determined by the Commissioner, to verify, its correctness and if any error is detected, the assessing authority or the officer authorised by the Commissioner shall serve a notice in the prescribed form on the dealer to rectify the errors and file a revised return within such period as may be specified therein. (2) Where the registered dealer, who has opted for quarterly assessment, in pursuance of the notice under sub-section (1),- (a) files revised return in terms of the notice, and deposit the tax, if any, he shall be deemed to have been assessed under sub-section (2) of section 23, as per such revised return; (b) does not file revised return or the return filed by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner shall on the basis of material available on record, assess the dealer

to the best of his judgment. (3) Where the registered dealer, who are not covered under sub-section (2), in pursuance of the notice issued under sub-section (1),- (a) in case notice is issued for the quarterly return and the dealer files the revised return in terms of the notice and deposits the tax, if any, and no other error is detected in the annual return, then he would be deemed to have been assessed under sub-section (1) of section 23; (b) in case notice is issued for the annual return and the dealer files the revised return in terms of the notice and deposits the tax, if any, then he shall be deemed to have been assessed under sub-section (1) of section 23, as per such revised return; (c) does not file revised return or the return filed by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner would assess the dealer to the best of his judgment on the basis of material available on record. (4) Where the dealer does not file any or all the return(s) within the prescribed period under section 21, the assessing authority or the officer authorised by the Commissioner shall, assess the dealer on the basis of his books of accounts and if he fails to produce the same, to the best of his judgment for the year or the quarter, as the case may be. (5) No assessment orders under this section shall be passed after the expiry of two years from the end of the relevant year; however, the Commissioner may for reasons to be recorded in particular case may extend such time limit by a period not exceeding six months. (6) Notwithstanding anything contained in sub-section (5), where an assessment order is passed in consequence of or to give effect to any order of an appellate or revisional authority or a competent court, it shall be completed within two years of the communication of such order to the assessing authority; however, the Commissioner may for reasons to be recorded in writing, extend in any particular case, such time limit by a period not exceeding six months."

5. Amendment of section 25 :-

In the existing sub-section 4 of section 25 of the principal Act, for the existing expression "relevant tax period", the expression "relevant year or quarter, as the case may be", shall be substituted.

6. Amendment of section 26 :-

In the existing sub-section 3 of section 26 of the principal Act, for the existing expression "period of return", wherever occurring, the expression "year" shall be substituted.

7. Amendment of section 34 :-

In section 34 of the principal Act,- (i) in the existing sub-section (1) of section 34 of the principal Act, for the existing expression "clause (b) of sub-section (2) of section 24", the expression "clause (b) of sub-section (3) of section 24, sub-section (4) of section 24" shall be substituted; and (ii) in the existing sub-section (2) of section 34 of the principal Act, for the existing expression "clause (b) of sub-section (2) of section 24", the expression "clause (b) of sub-section (2) of section 24, clause (c) of sub-section (3) of section 24, sub-section (4) of section 24" shall be substituted.

8. Amendment of section 73 :-

In section 73 of the principal Act,- (i) in the existing sub-section (1) of section 73 of the principal Act, for the existing expression "exceeds rupees forty lacs", the expression "exceeds rupees one hundred lac" shall be substituted; and (ii) in the existing sub-section (1) of section 73 of the principal Act, for the exiting Explanation the following shall be substituted, namely:- "Explanation.- For the purposes of this section "Accountant" means:- (i) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act No.38 of 1949); and (ii) a Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959 (Central Act No. 23 of 1959)."