

NOTIFICATION
Finance Department
Sachivalaya, Gandhinagar.
Dated the 1st April, 2008.

**GUJARAT
VALUE
ADDED
TAX ACT,
2003.**

No. (GHN-23) VAR-2008(16)-TH :- WHEREAS the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make rules and to dispense with the previous publication thereof under the proviso to sub-section (4) of section 98 of the Gujarat Value Added Tax Act, 2003 (Guj. 1 of 2005);

NOW, THEREFORE, in exercise of the powers conferred by section 98 of the Gujarat Value Added Tax Act, 2003 (Guj. 1 of 2005), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Value Added Tax Rules, 2006, namely:-

1. These rules may be called the Gujarat Value Added Tax (Second Amendment) Rules, 2008.
2. In the Gujarat Value Added Tax Rules, 2006, (hereinafter referred to as "the said rules"), in rule 15,-

(1) in sub-rule (5), for the words, brackets and figures "sub-section (1) or (2)", the words, brackets and figures "sub-section (1), (2), (5) or (6)" shall be substituted;

(2) in sub-rule (5), in explanation, for the words, brackets and figure "sub-section (1)", the words, brackets and figures "sub-section (1), (5) or (6)" shall be substituted;

(3) after sub-rule (5), the following sub-rules shall be inserted, namely:-

"(5A) A registered dealer entitled to claim tax credit under section 11 for the taxable goods held in stock on the date of registration shall furnish a statement in Form 111 of such goods which are purchased after 1st April, 2008 and during the period of one year ending on the date of registration along with the first return after registration:

Provided that the dealer claiming such tax credit shall have to prove to the satisfaction of the Commissioner that the application for registration was made within thirty days of the relevant date of effect applicable to him as per sub-section (3) of section 3.

(5B) A registered dealer entitled to claim tax credit under section 11 and whose permission to pay lump sum tax under section 14 is no longer valid because of turnover exceeding rupees fifty lakhs or is cancelled on his request, shall furnish a statement of such taxable goods in Form 112, which are held in stock on the date of liability to pay tax under section 7 and which are purchased after 1st April, 2008 and during the period of one year ending on the date of liability to pay tax under section 7. The statement shall be furnished along with the next return from the date of liability to pay tax under section 7.

3. In the said rules, in rule 18B,-

(1) in sub-rule (1),-

(i) in clause (a), after the words "refund of the tax", the words and brackets "(excluding additional tax)" shall be inserted;

(ii) for clause (b), the following clause shall be substituted, namely:-

"(b) Subject to the provisions of section 11, the eligible unit shall-

(i) not claim tax credit of the amount equivalent to the amount of refund granted under clause (a) of this sub-rule;

(ii) claim tax credit of additional tax paid on purchase of taxable goods.";

(2) in sub-rule (3), for the words "not pay such tax", the words, brackets and figures "not pay tax payable under sub-section (1) of section 7 but pay additional tax payable under sub-section (1A) of section 7" shall be substituted.

4. In said rule, in rule 18C,-

(1) After sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) The eligible unit shall pay the net additional tax payable by it under section 13.";

Explanation.- The net additional tax payable means additional tax payable on turnover of sales after deducting tax credit of additional tax paid on turnover of purchases subject to the other provisions of the Act."

(2) in sub-rule (3), in clause (a), after the word "tax", the words and brackets "(excluding additional tax)", shall be inserted.

5. In the said rules, in rule 19, in sub-rule (2), in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) a registered dealer,-

(a) whose taxable turnover in the previous year or during the year has exceeded rupees one crore,

(b) who makes zero rated sale under section 5A,

(c) who imports the goods into or exports the goods out of the territory of India,

(d) who being an eligible unit has obtained a Certificate of Entitlement under rule 18A,

(e) who is a Developer or a Co-developer of Special Economic Zone, and

(f) who is a unit carrying on its business in the processing area or in the demarcated area of Special Economic Zone

shall furnish return in Form 201 along with the information referred to in sub-clause (i) above and shall also submit by way of uploading on the web site of the department duly authenticated by the dealer himself or by a person referred to in section 65.”.

6. In the said rules, in rule 28,-

(1) in sub-rule (1), the following proviso shall be added, namely;-

“Provided that the dealer who is granted permission to pay lump sum tax under section 14 shall not file a fresh application and permission granted to him earlier shall continue subject to other provisions of the Act and these rules.”;

(2) in sub-rule (8), in sub-clause(iii), in clause (bb), the following proviso shall be added, namely:-

“Provided that the dealer who is granted permission to pay lump sum tax under section 14A shall not file a fresh application and permission granted to him earlier shall continue subject to other provisions of the Act and these rules.”.

7. In the said rules, in rule 28C,-
- (1) in sub-rule (2), in clause (c), the following proviso shall be added, namely:-
- “Provided that the dealer who is granted permission to pay lump sum tax under section 14D shall not file a fresh application and permission granted earlier shall continue subject to other provisions of the Act and these rules.”.
8. In the said rules, in rule 42,-
- (1) after sub-rule (2), the following sub-rule shall be added, namely:-
- “(2A) The dealer making zero rated sale under section 5A shall issue serially and mechanically numbered tax invoice in triplicate. The copies of the invoice marked “original” and “duplicate” shall be delivered to the buyer, and the copy marked “triplicate” shall be retained by the seller. The duplicate copy of tax invoice endorsed by the authority appointed for the purpose of duty of customs, shall be returned to the seller after such endorsement.”;
- (2) in sub-rule (3), in clause (h), for the word “tax” wherever it occurs, the words “tax and additional tax” shall be substituted;
- (3) in sub-rule (4), in paragraph (B),-
- (i) in clause (g), for the word “tax”, the words “tax and additional tax” shall be substituted,
- (ii) in clause (gg), after the words “amount of tax” wherever they occur, the words “and additional tax” shall be inserted,
- (iii) in clause (h), after the words “amount of tax”, the words “and additional tax” shall be added,
- (iv) in clause (i), in explanation, under the formula, in bracketed text, for the words “rate of tax”, the words “rate of tax and additional tax” shall be substituted.
9. In the said rules, in rule 43, in sub-rule (1), in clause (f), after the words “amount of the tax”, the words “and additional tax” shall be inserted.

10. In the said rules, after Form 110, the following forms shall be inserted, namely:-

“FORM 111
(List of purchase)
(See sub-rule (5A) of rule 15)

List of purchase of goods:

Registration Certificate No.

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Name and style of business	M/s....
Period	From..... To.....

List showing purchase of goods from registered dealers.

Sr. No.	Date	Retail Invoice No.	Name with RC No. of the registered dealer from whom goods purchased.		Turnover of purchase of taxable goods			
			(i) Name	(ii) R.C. No.	Value of goods	Tax	Additional tax	Total
1								
2								
3								
...								
Total								

DECLARATION

I, _____ (name in CAPITALS), hereby declare that the contents of the above list and table are true and correct and nothing has been concealed therein.

Place:

Full signature of the authorised signatory

Date:

Name

Status

Note: An authorised person alone shall sign each page of this list. A list signed by any person not authorised or an unsigned list shall be treated as invalid.

FORM 112
(List of purchase)
(See sub-rule (5B) of rule 15)

List of purchase of goods:

Registration Certificate No.

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Name and style of business	M/s....
Period	From..... To.....

List showing purchase of goods from registered dealers.

Sr. No.	Date	Tax Invoice No.	Name with RC No. of the registered dealer from whom goods purchased.		Turnover of purchase of taxable goods			
			(i) Name	(ii) R.C. No.	Value of goods	Tax	Additional tax	Total
1								
2								
3								
...								
Total								

DECLARATION

I, _____ (name in CAPITALS), hereby declare that the contents of the above list and table are true and correct and nothing has been concealed therein.

Place: _____ Full signature of the authorised signatory

Date: _____ Name

Status

Note: An authorised person alone shall sign each page of this list. A list signed by any person not authorised or an unsigned list shall be treated as invalid.

By order and in the name of the Governor of Gujarat,

M.A. Bhatt,
Additional Secretary to Government.