

SEMINAR ON VAT-CST

E-filing of MVAT & CST Returns

Presentation by

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WIRC OF ICAI

Types of Returns

- Form 231- All Dealers other than those liable to file forms 232, 233, 234 or 235.
- Form 232 – Dealers whose entire T.O. is under Composition (excl'dg. Works Contract Comp.)
- Form 233 – Works Contract, Leasing, Dealers Opting for Composition for Part of Business Activity
- Form 234 - PSI dealers holding Entitlement Certificate
- Form 235 – Notified Oil Companies, Motor spirit Dealers covered by Notification u/s 41(4)
- Form III-E – Dealers under CST Act.

Periodicity

- # As Displayed on Website
- # Rule 17(4)(e) - Notifn. VAT-1511/CR 84/Taxation-1 dtd 13-09-11
- # Monthly, Quarterly, Half Yearly
- # Retailers under Composition – HLY
- # Newly Registered Dealers – QLY
- # PSI Dealers - QLY
- # Deemed Dealers u/s2(8) – HLY

Due Dates for Payment of Tax

- # If periodicity is Monthly or Quarterly :
 - Within 21 days from the end of the period
- # If periodicity is Half Yearly :
 - Within 30 days from the end of the period
- # E-payment is Mandatory for all Dealers
- # Half Yearly dealers can make payment in designated Branches of SBI in MTR-6 Challan ([SBI letter Ref. No. GBD/SCC/974 dtd. 21-09-2011](#))

Due Date

- # Trade Cir. No. 19T of 2012 dtd. 09-11-2012
- # If the due date falls on a State Holiday or Sunday, the immediate next working day will be the due date for payment of taxes, filing of Returns, Annexures, 501,704 etc

Due Dates for E-filing of Returns due upto 31-03-12 for All Dealers

- # If periodicity is Monthly or Quarterly :
 - Within 21 days from the end of the period
 - Due Date for e-filing is extended by 10 days if payment made before due date.
- # If periodicity is Half Yearly :
 - Within 30 days from the end of the period
 - Due Date for e-filing is extended by 10 days if payment made before due date.
 - Circular Nos.16T/2008, 38T/2008, 1T/2009,

Due Dates for Efiling-from 01-04-12 - for Dealers liable for MVAT Audit

- # “Eligible for 704” - Yes
- # If periodicity is Monthly or Quarterly :
 - Within 21 days from the end of the period
- # If periodicity is Half Yearly :
 - Within 30 days from the end of the period
 - Due Date for e-filing is extended by 10 days if payment made before due date.

Notification/ Cir. for Dealers not liable for MVAT Audit

- # Notifn. VAT 1511/CR 138/Taxation-1 Dt. 5th Dec 2011
- # Trade Cir. No.3T dtd 27-02-12, 7T dtd.24-04-12 – Refer Cir. Attached
- # Trade Cir. No.9T dtd. 25-03-2014 –
Periodic J-1, J-2
Revised J-1, J-2
Annual J-1, J-2

Due Dates for Efiling-from 01-04-12 -Dealers Not liable for MVAT Audit

- # **For Mth/Qtr/Half Year ending 31st March**
- # “Eligible for 704” – No
- # To upload e-return Annexures C,D,G,H,I,J-1,J-2 before uploading Return
 - On or before **30th June** of succeeding year
- # Yearly data in the Annexures
- # Periodic Data in the Returns
- # Due Date for e-filing of returns is extended by 10 days if payment made before due date.
- # **Above due date Not Applicable to Dealers opting for Composition u/s 42(1), (2) and (3A).**

Due Dates for Efiling-from 01-04-12 -Dealers Not liable for MVAT Audit

- # “Eligible for 704” - No
- # **For Mth/Qtr/Six mths ending other than on 31st March**
Annexures C,D,G,H,I,J-1,J-2 not required to be uploaded with such returns
- # If periodicity is Monthly or Quarterly :
 - Within 21 days from the end of the period
 - Due Date for e-filing is extended by 10 days if payment made before due date.
- # If periodicity is Half Yearly :
 - Within 30 days from the end of the period
 - Due Date for e-filing is extended by 10 days if payment made before due date.

Sec.20(1) - Returns

- # Every registered dealer shall file correct ,complete, self-consistent return
- # Defect Notice to be served within 4 months of filing the return if the return is not complete or self-consistent.
- # The said registered dealer shall correct the defects and submit to the prescribed authority a fresh, complete and self-consistent return within one month of the service of the defect notice:
- # **Provided that** the registered dealer who fails to submit a complete or self consistent fresh return within the said period of one month shall be deemed not to have submitted the return within the prescribed time.

20(2) Separate returns

- # (2) Notwithstanding anything contained in sub-section (1), the Commissioner may, subject to such terms and conditions, as may be prescribed, permit any dealer to file separate return,—
 - (a) for all or any of the places of business of the dealer, whether or not situated within the jurisdiction of the same registering authority, or
 - (b) for different constituents of his business to such authority as he may direct.
- # However Rule 19 and Form 211 for making application for separate return have been deleted wef 14-03-08

Sec. 20(3) - URD

- # (3) Every person or an unregistered dealer who is required to file a return under any other provision of this Act, shall file such return for such period, in such form, by such date and to such authority as may be prescribed
- # Rule 18(1)(a) : If dealer fails to apply for registration in time :
 - the first return to be furnished by him shall be for the period from the date of event which makes him liable to pay tax to the end of the quarter in which such date occurs.

URD

- # Thereafter he shall continue to file Qly Rtns till the Qtr immediately before the Qtr containing the date of Regn.
- # The last return for the URD period shall be filed from the 1st day of Qtr containing date of Regn.till the day before the date of Regn.
- # Thereafter the first Rtn for the RD period to be furnished by him shall be for the period from the date of Regn. to the end of the Qtr containing the date of Regn.
- # He shall continue to file Qly returns in respect of periods ending on or before the end of the year containing the date of effect of Regn.

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Rule 18(1)(b) First return

- # In case of dealers who applies in prescribed time for regn.
- # The first return to be furnished by him shall be for the period from the appointed day, 1st April of the year, or as the case may be, from the date of event which makes him liable to pay tax to the end of the Qtr containing the date of registration.
- # He shall continue to file Qly Rtns in respect of periods ending on or before the end of the year containing the date of effect of Regn.

Rule 18(2) : Last Return

- Where the business in which the dealer is engaged is discontinued or otherwise disposed off or has been transferred, then the last Mthly/Qly/Hly return shall be for the period beginning with the first date of the month/quarter/six month period and ending with the date of the said discontinuance, disposal, or transfer.
- The provisions contained in sub-rule (4) of [rule 17](#) regarding the time in which monthly or quarterly or six monthly returns are to be filed shall apply to such return

Revised Returns

Section 20(4) (a)

- # "(4) Any person or dealer who, having furnished a return or, as the case may be, a revised return,-
- # (a) discovers any omission or incorrect statement therein, may furnish, a revised return in respect of the period covered by the return at any time before a notice for assessment is served on him in respect of the period covered by the said return or before the expiry of a period of ten months from the end of the year to which the return or, as the case may be, the revised return relates, whichever is earlier;

...Revised Returns..... u/s 20(4)(b)

- # (b) discovers as a result of the report of audit of his accounts prepared for the purpose of section 61, any omission or incorrect statement therein,
- # may furnish a single revised return for the year as regards the period in respect of which the omission or incorrect statement is discovered, before the expiry of 30 days from the date prescribed for furnishing the said report;
- # Refer Cir.4T dtd.26-6-2013 para 3

.Revised Returns ...20(4)(c)

- # (c) agrees with the observation contained in any intimation received by him under section 63, that the return, fresh return or, as the case may be, revised return, filed by him contains any omission or incorrect statement,
- # may furnish a single revised return for that year within 30 days from the date of service on him of the said intimation
- # WEF 01-05-2011 , Only one Revised Return under each of the aforesaid clauses can be filed

Sec. 20(6) - Late fees

- Late fees of Rs.5000/- per return applicable W.e.f. 01-08-2012 as per Notifn. No. VAT/1512/C.R.65/Taxation-1 dtd. 04-07-12.
- Proviso added to sec.20(6) w.e.f. date to be notified that the State Government , may from time to time, by notification in the Official Gazette, exempt the whole or any part of the Late Fee payable by such class or classes of dealers, for such period or periods, either prospectively or retrospectively, as may be mentioned in the notification.
- Notifn. No. VAT 1513/CR 124/Taxation 1. dt. 1st January 2014 for exemption from Late Fees.- Refer Notifn. Attached.

CST.

As per sec. 9 of the CST Act all the provisions relating to tax, interest, penalties and offences of the general sales tax of each state shall with necessary modifications apply in relation to assessment, reassessment, collection & recovery of tax, registration, filing of returns etc under the CST Act.

Prof. Tax PTR

- ❖ E-filing mandatory wef 01-02-2011 for employers having tax liability more than Rs.20000/- in pr.yr.– Cir. 1T of 2011
- ❖ E-filing mandatory for all employers from 01-08-2011 Optional E-payment facility for PTE and PTR from 01-01-2012 – Cir. 1T of 2012

Periodicity wef 01-04-11

- ❖ If Tax liability is less than Rs. 50000/- in previous year – Annual Rtn.
- ❖ If Tax liability is more than Rs. 50000/- in previous year – Mthly Rtn.
- ❖ Due date for payment of tax and filing of returns – within 30 days
- ❖ 10 days additional for e-filing of returns
- ❖ Late Filing fees Rs.1000/- per return.

❖ **THANK YOU !!!!**

CA PRANAV KAPADIA