

THE TAMIL NADU GENERAL SALES TAX RULES, 1959

(G. O. Ms. No. 974, Revenue, 28th March 1959)

In exercise of the powers conferred by section 53 of the Tamil Nadu General Sales Tax Act, 1959 (Tamil Nadu Act 1 of 1959), and in suppression of the Tamil Nadu General Sales tax (Turnover and Assessment) Rules, 1939, and the Tamil Nadu General Sales Tax Rules, 1939, the Governor of Tamil Nadu hereby makes the following rules:-

RULES

Preliminary

Rule 1. These rules may be called the Tamil Nadu General Sales Tax Rules 1959.

Rule 2. They shall come into force on the 1st day of April 1959.

Rule 3. In these rules, unless there is anything repugnant in the subject or context-

R .3(a) "Act" means the Tamil Nadu General Sales Tax Act, 1959;

R .3(b) [.....]

R .3(C) [.....]

R.3 (cc) "Departmental Representative" means an officer appointed by the state Government to receive on behalf of the assessing authority, notices issued by the Appellate Assistant Commissioner and generally to appear, act and plead on behalf of the assessing authority before the appellate Assistant Commissioner;

R.3 (d) "Form" means a form appended to these rules; R3 (e) "Government Treasury" means a treasury or sub-treasury of the State Government.

R.3 (f) "Importer" means any dealer who imports goods from outside the State'

R.3 (g) [.....]

R.3 (h) "Manufacturer" means any person who produces, prepares or makes goods for the purpose of trade:

R.3 (i -1) "Month" means a calendar month:

R.3 (i-2) [.....]

R.3 (j) "Registering authority" with reference to a dealer applying for registration under section 20 means the head of the assessment circle, namely, the [Commercial Tax Officer] or the Deputy Commercial Tax Officer, as the case may be, in whose area of jurisdiction the principal place of business of the dealer is situated;

R.3 (k) "Section" means a section of the Act; and

R.3 (l) "Wholesale dealer" means any dealer who sells goods or keeps goods for sale-

R.3 (l) (i) to other dealers exclusively, or

R.3 (l) (ii) to other dealers and also to consumers.

APPELLATE TRIBUNAL

4. Of the two members of the Appellate Tribunal (other than its Chairman), one shall be an officer of the Commercial Taxes Department of the State Government not below the rank of [Joint Commissioner]. The other shall be: -

R.4(i) an officer of the Indian Audit and Accounts service, or

R.4 (ii) an officer of the Income-Tax department not below the rank of an Assistant Commissioner of Income-Tax, or

R.4 (iii) an outsider who shall,

R.4 (iii) (a) possess knowledge of accounts;

R.4(iii)(b) have passed the final examination for Chartered Accountants specified in Regulation 20 to 22 of the Chartered Accountants Regulations, 1949, and be a member of the Institute of Chartered Accountants of India, and

R.4 (iii) (c) possess practical experience for not less than 5 years as a Chartered Accountant.

Rule 4-A. Any additional member of the Appellate Tribunal (other than a Judicial Officer) referred to in sub-section (1-A) of section 30 shall be-

R.4A(i) an officer of the Commercial Taxes Department of the State Government, not below the rank of the Deputy Commissioner, or

R.4A (ii) a person possessing any one of the qualifications specified in items (I) to (iii) of Rule 4.

PROCEDURE FOR ASSESSMENT

Rule5.(1) Save as provided in sub-rule (2), the total turnover of a dealer for the purposes of these rules shall be the amount for which goods are sold by the dealer:

Provided that the total turnover shall also include the turnover of purchases liable to tax under section 7-A of the Act.

Rule 5(2) In the case of goods taxable at the point of purchase, the total turnover of a dealer for the purpose of these rules shall be the amount for which the goods are bought by the dealer.

R.5(2)(a) cotton,

R.5(2)(b) raw hides and skins,

R.5(2)(c) Wattle bark, Myrobalam nuts, Babul bark and pods, Avaram bark, konnan bark, Arjuna bark, Ghat bor nuts, Mangroves or Goran, Karada bark, Sal bark, Dhawa leaves, Cashew testa, Tamarind seed testa, Sain bark, Wattle extract or Nimosa extract, Quebracho extract, Myrobalan extract, Cutch extract, Cashew extract, Chestnut extract, Wasub, Tanulux, Lycowat, mortan 62 and cashtan extracts,

R.5(2)(d) [.....]

R.5(2)(e) palmyra fibres and stalks,

R.5(2)(f) potatoes,

R.5(2)(g) [.....]

R.5(2)(h) sugarcane,

R.5(2)(i) groundnut other than those purchased from outside the State.

R.5(2)(j) [.....]

R.5(2)(k1) coconut (other than those falling under sub-section (viii) of item 6 of the Second Schedule),

R.5(2)(k2) coconut (i.e. copra excluding tender coconuts)(cocos-nucifera)

R.5(2)(l) natural rubber latex and all varieties and grades of raw-rubber,

R.5(2)(m) cashew-nut with shell,

R.5(2)(n) prawns, crustaceans, molluses, frogs and frog legs, and

R.5(2)(o) jaggery and gur (other than palm jaggery and palm candy) including jaggery and powder and nattusakkarai.

R.5(3) [.....]

Rule 5-A. In pursuance of Explanation (2) to section 2 (r) of the Act, the amounts specified in the following clauses shall not, subject to the conditions specified therein, be included in the total turnover of a dealer-

R.5-A(a) all amounts allowed as discount, provided that such discount is allowed in accordance with the regular practice of the dealer or is in accordance with the terms of a contract or agreement entered into in a particular case; and provided also that the accounts show that the purchaser has paid only the sum originally charged less the discount;

R.5-A (b) (i) all amounts refunded to purchases in respect of goods returned by them to the dealer, when the goods are taxable on the amount for which they have been sold provided that the accounts show the date on which the goods were returned and the date on which and the amount for which refund was made or credit was allowed to the purchaser;

R.5-A (ii) all amount received from the sellers in respect of goods returned to them, by the dealer, when the goods are taxable on the amount for which they have been bought, provided that the accounts show the date on, which the goods were returned and the date on which and the amount for which refund was received or advice of credit was received from the seller;

R.5-A (c) all amounts for which the dealer sells articles which are not in his stock but which are obtained by him from another dealer specifically to accommodate a particular customer and are immediately sold to such customer provided that the sale is entered in the accounts of the dealer then and there as an accommodation sale together with the name of the dealer from whom the articles were obtained and provided that the former dealer does not make a profit out of the transaction..

Rule 5 B [....}

Rule 5 C [....}

Rule 5 D [....]

Rule 6. The tax or taxes under [section 3 or 4] shall be levied on the taxable turnover of the dealer. In determining the taxable turnover, the amounts specified in the following clauses shall, subject to the conditions specified therein, be deducted from the total turnover of a dealer-

R.6(a) all amounts for which goods specified in the Third Schedule to the Act are sold;

R.6 (b) all amounts for which goods exempted by a Notification under section 17 are sold or purchased, as the case may be, provided that the terms and conditions, if any, for the exemption in the notification are complied with;

R.6 (c) all amounts falling under the following three heads when specified and charged for by the dealer separately, without including them in the price of the goods sold-

- (i) freight;
- (ii) [.....]

R.6(C) (iii) charges for delivery;

R.6 (cc) [.....]

R.6 (CC) (i) [.....]

R.6 (CC) (ii) [.....]

R.6(d) [.....]

R.6 (e) all amounts for which goods are sold or purchased in the course of export of the goods out of the territory of India or in the course of import of the goods into the territory of India or in the course of inter-State trade or commerce;

R.6 (f) [...]

R.6 (g) all amounts for which goods specified in [First, second and Sixth Schedules] to the Act are sold or purchased by a dealer provided that the sale or purchase is not at the point of levy prescribed in the said Schedules;

R.6 (h) the turnover of sales or purchases made by a dealer through his agent in respect of which tax has been paid by the agent.

R.6 (i) All amounts charged as interest on the unpaid amount payable in respect of goods delivered on hire-purchase or on any such system of payment in instalments , where such interest is specified and charged for separately without including such amounts in the price of the goods delivered.

R.6 (j) All amounts realised by way of insurance charges in respect of goods delivered on hire-purchase or on any such system of payment by instalments, where such charges are specified and charged for separately without including such amount in the price of the goods delivered.

Rule 6-A : The resale tax under section 3 –H shall be levied on the resale turnover of the dealer. In determining the turnover liable to resale tax , the amounts specified in the following sub-rules shall be deducted total turnover of a dealer;-

- (a) all amounts for which tax is levied at the point of the first sale, first purchase or last purchase as the case may be, on the goods specified in the First and Eleventh Schedule to the Act ;
- (b) all amounts for which goods specified in the Second Schedule to the Act are sold or purchased as the case may be ;
- (c) all amounts for which goods specified in the Third Schedule, Fifth Schedule and Sixth Schedule to the Act are sole ;
- (d) all amount for which the sale of purchase of goods exempted by notifications under section 17 are sold or purchased as the case may be ;
- (e) all amount for which the resale of goods exempted by notifications under section 17 are sold;
- (f) all amounts of freight and charges for delivery charged for by the dealer separately, without including them in the price of goods sold ;
- (g) all amounts for which goods are sold or purchased in the course of export of the goods out of the territory of India or in the course of import of the goods into the territory of India or in the course of inter-State trade or commerce;
- (h) all amounts charged as interest on the unpaid amount payable in respect of the goods delivered on hire-purchase or on any such system of payment in instalments in the price of the goods delivered;
- (i) all amount realised by way of insurance charges in respect of goods delivered on hire-purchase or on any such system of payment by instalments, where such charges are specified and charged for separately without including such amounts in the price of the goods delivered.

Rule 6-B: [.....]

Rule 7 : (1) In the case of dealers having more than one place of business and the head office in the State, all returns prescribed by these rules shall be submitted by the head office and shall include the total turnover of all branches of the business in the State. In the case of dealers having more than one place of business in the State and the head office outside the State, all such returns shall be submitted by such one of the branches as may be specified by the dealer and permitted by the assessing authority having jurisdiction over the area in which the said branch is situated and shall include the total turnover of all such branches.

Each branch shall also-

R.7(1)(a) submit to the concerned assessing authority of the area in which it is situated on or before the 1st day of May in every year a return of the turnover of the

branch in Form a-1 or AA-1, as the case may be , if the head office is paying tax under rule 15 on or before the 25th day of every month a return of the turnover of the branch in Form A-1 if the head office is paying tax under rule 18.

R.7(1 (b) intimate to such authority the fact that the return of the turnover of its business is included in the return submitted by its head office and specify the name and address of such head office.

For the purpose of determining whether a dealer is liable to pay tax [under section 3(1) or 3-A [or 3-B], the total turnover or, as the case may be, the turnover under section 3-A [or 3-B]of all his places of business in the State shall be taken into consideration.

R.7(2) [.....]

R.7(3) In the case of dealers liable to pay additional tax under the Tamil Nadu Additional Sales Tax Act, 1970 (Tamil Nadu Act 14 of 1970), [the particulars shall be furnished in Forms ‘A’, ‘A-1’ and ‘A-12’].

Rule 8. [.....]

Rule 9 . (1)¹[.....] *[Every dealer in bullion, gold, silver and platinum jewellery including articles thereof and wornout or beaten jewellery and precious stones and a casual trader or agent of a non resident dealer] shall irrespective of the quantum of his total turnover submit within thirty days of the commencement of his business to the concerned assessing authority of the area in which his principal place of business is situated a return in Form A showing is estimated total and taxable turnover [for that year his business].

Rule 9(2). * [Every dealer, other than a dealer in bullion, gold, silver and platinum jewellery including articles thereof and wornout or beaten jewellery and precious stones and a casual trader or agent of a non resident dealer] whose estimated turnover for that year of his business [exceeds Rupees Three lakhs] shall within thirty days of the commencement of his business submit to the concerned accessing authority of the area in which his principal place of business is situated a return in Form A showing his estimated total and taxable turnover for that year of his business:

Provided that a dealer who opts to pay tax at compounded rates under**[sub section (2) of section 3-D, section 3-E, 3-G, 7-C or 7-E] shall submit a return in Form AA;

Rule 9(3). [.....]

Rule 9(4). Every dealer other than *[an agent of a non-resident dealer and a casual trader] who is not liable to submit a return under sub-rule (2) but whose total** [turnover exceeds rupees three lakhs] in any year for the first time, shall within thirty days of the day on which his total**[turnover exceeds rupees three lakhs] submit to the concerned assessing authority of the area in which his principal place of business is

situated a return in Form A or Form AA, as the case may be, showing his estimated total and taxable turnover for that year of his business.

9(5) [.....]

Rule 10. If the assessing authority, after making such scrutiny of the accounts, registers, records and other documents of the dealer and such enquiry as such authority may consider necessary, is satisfied that the return submitted under rule 9 is correct and complete, [he shall provisionally determine on the basis of the return] the annual tax or taxes payable at the rate or rates specified in ¹[sections 3,3-A,3-B, , 3-D, 3-E, 3-G, 3-H, 3-I, 3-J, ²[4, 4-F, 7-C or 7-E] or notified under section 17.

Rule 11: If no return is submitted by the dealer as required by rule 9 or if the return submitted by him appears to the assessing authority to be incorrect or incomplete the assessing authority shall, after making such enquiry as he considers necessary determine the turnover of the dealer to the best of his judgment, and [provisionally determine the annual tax or taxes] payable at the rate or taxes payable at the rate or rates specified in ¹[section 3, 3-A, 3-B,,3-D,3-E,3-G,3-H,3-I,3-J,4,4-F,,7-C or 7-E or notified under section 17.

Rule 12. Where any return submitted by a dealer appears to the assessing authority to be incorrect or incomplete, the assessing authority shall, before taking action under rule 11, issue a notice to the dealer calling upon him to produce his accounts, registers, records and other documents and prove the correctness and completeness of his return a time and place to be specified in the notice. If no return is submitted by a dealer, the assessing authority, before taking action under rule 11, shall issue a notice to the dealer and make such enquiry as he considers necessary.

Rule 13. As soon as the tax has been [determined] under rule 10 or 11, the assessing authority shall issue to the dealer a notice in Form B and the dealer shall pay for each month of the year of assessment the tax [determined] in equated instalments for the rest of the year in the manner specified in the notice.

Rule 14(1). Every casual trader referred to on clause (e) of Section 2 shall within 24 hours of arrival in any place in the state intimate to the concerned assessing authority of the area, the address of his residence in the state, and also the permanent address of his place of business or if he has no place of business, of his place of residence, the nature of goods in which he intends to deal and the period within which he intends to leave the place in the State.

Rule 14(2). The casual trader shall submit to the concerned assessing authority of the area a return in Form A-1 accompanied by ¹[proof of payment as specified in sub-rule (1) of rule 55], for the tax or taxes payable by him under ⁴[sections 3, ²[3-A],3-B,3-H,3-I, 3-J, ⁵[4,4-F, or ³[7-A]]] on the basis of the return on or before the last day on which he intends to leave the place where he has been carrying on business. The assessing authority shall thereupon assess such trader after satisfying himself as to the correctness

and completeness of the return submitted by him, and after making such enquiries as he deems fit.

Rule 14(3)(a). If no return is submitted by the casual trader as required by sub-rule (2), the assessing authority shall, after issuing a notice to the dealer and after making such enquiry as he considers necessary, assess the tax payable, according to the best of his judgement and issue a notice of demand in Form B-4 for the tax due. The casual trader shall thereupon pay the sum demanded within the time allowed and in the manner specified in the notice.

Rule 14(3)(b). If the return submitted by the casual trader under sub-rule (2) appears to the assessing authority to be incorrect or incomplete, the assessing authority shall issue a notice to the dealer calling upon him to produce his accounts, registers, records and other documents and prove the correctness and completeness of his return at a time and place to be specified in the notice. If the dealer is unable to prove the correctness and completeness of his return accordingly, the assessing authority shall assess the tax payable according to the best of his judgement and issue a notice of demand in [Form B-3] for the tax due. The casual trader shall thereupon pay the sum demanded within the time allowed and in the manner specified in the notice.

Rule 14(4). [.....]

Rule 15(1). [Every dealer liable to submit a return under sub-rules (1),(2) and (4) of Rule 9], unless he has elected [or is liable] to be assessed by the method described in rule 18, shall, on or before the 1st day of May in every year, submit to the assessing authority of the area in which his principal place of business is situated a return in Form A-1 showing the actual total and taxable turnover in the preceding year and the amounts by way of tax or taxes actually collected during that year;

Provided that a dealer who opts to pay tax at compounded rates under [sections 3-D,3-E,3-G, or 7-E] shall submit a return in Form AA-1.

Provided that dealer exclusively effecting resales shall submit a return in Form AB-1

R.15 (1 – A) [....]

Rule 15(2). Every dealer who is not liable to submit a return under [...] rule 9 and whose total turnover in any year ¹[exceeds rupees three lakhs] shall, unless he has elected or is liable to be assessed by the method described in rule 18, submit to the assessing authority of the area in which his principal place of business is situated a return in ²[Form A-1, or Form AA-1 or Form AB-1] as the case may be showing the actual total and taxable turnover for that year on or before the 1st day of may of the succeeding year and thereafter on or before the 1st day of May immediately following each year.

Rule 15(3). [Every dealer who discontinues his business during the course of a year in which the tax payable has been provisionally determined] under rule 10 or 11 shall submit to the assessing authority concerned a return in [Form A-1 or Form AA-1 or or Form AB-1] as the case may be, for the period up to and inclusive of the date of

discontinuance of business in the manner prescribed in this rule, within thirty days from the date of such discontinuance.

Rule 15(4). Every dealer liable to submit a return in Form A-1, Form AA-1 or Form AB-1, as the case may be, under sub-rules (1), (2) or (3) shall submit along with the return proof of payment as specified in sub-rule (1) of rule 55 for the full amount of tax due for the year on the basis of the return after deducting therefrom the advance payment of tax, if any, paid already for the year, and the amounts, if any, claimed as refund due in the year under rule 23 failing which such amount shall become due on the date of the receipt of the return or on the last due date as prescribed in sub-rules (1), (2) and (3) , whichever is later , and shall be recovered in accordance with the provisions of the Act, without any notice of demand to the dealer.

Rule 15(4-A). [.....]

Rule 15(4-B). [.....]

Rule 15(4-BB). [.....]

Rule 15(4-C). ¹[If a dealer whose tax was provisionally determined for any year] at the rates laid down in ³[section 7-E] is desirous of being assessed under sub-section (1) of section 3 of the Act, he may, at the time of filling the return referred to in sub-rules (1) to, (3), or at any time before the final assessment for that year, revoke the option given at the time of [provisional determination of the tax] and request the assessing authority to assess him under sub-section (1) of section 3 of the Act, provided that the dealer is able to furnish to the satisfaction of the assessing authority all the particulars for so assessing him.

Rule 15(4-CC). Every dealer who is desirous of being assessed under *[sub-section(2) of section 3-D, sections 3-E,3-G,7-C or 7-E] of the Act shall file his option in Form A-11 to pay tax under the said section: :

Provided that any dealer who is assessed under *[sub-section(2) of section 3-D, sections 3-E,3-G,7-C or 7-E] for a year desires to withdraw his option for a subsequent year shall do so in writing on or before 30th day of April of such subsequent year.

Rule 15(5). On the receipt of * [a return in Form A-1, Form AA-1 or Form AB-1] as the case may be, the assessing authority shall, subject to the provision of sub-rule (5-A), if he is satisfied after such scrutiny of the accounts, registers, records and other documents and such enquiry as he considers necessary that the return is correct and complete, finally assess on the basis of the return, the tax or ** [taxes payable under sections ¹[3, 3-A,3-B, 3-C,3-D,3-E,³[4,4-F,7,7-A,7-C or 7-E] for the year to which the return relates. The assessing authority may, if he is satisfied, accept the accounts of a dealer certified by a chartered accountant to be correct provided all the details required for assessing the dealer are given therein. ²[.....]

Rule 15(5-A) Notwithstanding anything contained in these Rules but without prejudice to the provisions relating to filing of returns and payment of taxes due as prescribed in these rules, every dealer whose turnover which includes the total turnover under this Act, inter-State sales, export sales and stock transfers to outside the State does not exceed ten crores of rupees in a year shall furnish to the assessing authority, an annual return in Form A-12, on or before the 31st day of October of the succeeding year for the purpose of self-assessment under clause (b) of sub-section (1) of section 12 of the Act, subject to the conditions that, -

(i) where his aggregate turnover does not exceed forty lakhs of rupees per annum and he,

(a) files the declarations forms and certificates, if any, for the purpose of claiming concessional rate of tax or exemption as the case may be, along with the annual return;

(b) is not in arrears of tax as per the monthly and annual returns filled;

(c) is not in arrears of tax not covered by appeals, revision and writs for the years preceding the year of assessment;

(d) is not doing business for the first or last year; and

(e) registers a increase of ten per cent in the taxable turnover in the year of assessment when compared to the proceeding year.

(ii) where his aggregate turnover exceeds forty lakhs of rupees but does not exceed one crore of rupees per annum, besides fulfilling the above conditions in clause(i), shall file a return as per accounts audited and certified by a Chartered Accountant or by a Cost Accountant.

(iii) where his aggregate turnover exceeds one crore of rupees but does not exceed ten crores of rupees per annum, besides fulfilling the above conditions as stipulated in clause (i) and (ii) above, shall register an increase of fifteen per cent in the payment of tax as per the return over and above the payment of tax due as per return in the preceding year.

Provided that the conditions relating to increase in taxable turnover and payment of tax as per return shall not be applicable to dealers who are non-assesseees.

Provided further that the increase in taxable turnover or payment of tax mentioned in sub-clause (e) of clause (i) or clause (iii) as a result of amalgamation or merger of two or more firms shall be with reference to the total of taxable turnovers or payments of tax of such firms before amalgamation or merger in the preceding year as per returns.

Rule 15(5-B). The manner of selection by the Commissioner of Commercial Taxes referred to in sub-section (1-A) of section 12 of the Act shall be as follows:

The registration number of all assessees under the Tamil Nadu General Sales Tax Act, 1959, whose total turnover does not exceed One crore rupees during the previous financial year shall be obtained by the Commissioner who shall, thereafter, enter these particulars maintained in his office and select by suitable stratified random sampling method, twenty five percent of the assesses and intimate the registration numbers to the assessing authorities for detailed scrutiny of accounts. Such list shall be exhibited at all assessment circles, on the notice board. The assessing shall call for the accounts of those assesses for details scrutiny and pass orders, either confirming the assessment order already passed or modifying the same under Section 16.

Rule 15(5-C) For the purpose of sub-section (1) of section 12-B, the following shall be conditions, namely:-

(i) The dealer shall submit all declarations and Certificates prescribed in the Act or Rules in support of the claim of exemption or concessional rate of tax as the case may be on or before the 30th day of September 2002.

(ii) The dealer is not arrears of tax, surcharge, additional sales tax or penalty not covered by any appeal, revisions or writ petition or any year preceding the year of assessment.

(iii) the relevant for the purpose of assessment is not a first or last year of business.

Provided that the five percent of the total number of such assessment shall be selected by the Commissioner in the manner prescribed in sub rule (5-B) for the purpose of detailed scrutiny regarding the correctness of the return submitted by the dealer and in such cases, final assessment orders shall be passed in accordance with the provisions of the Act and Rule.

Rule 15(5-D) For the purpose of sub section (2) of the section 12-B, every dealer who claims to be not liable to pay tax or has not filled return already, shall fill an annual return in Form A-1 on or before 30th September 2002 for each assessment year separately upto the year ending with 31st day March 2001.

Rule 15(6). If no return is submitted or if the return submitted appears to the assessing authority to be incorrect or incomplete, the assessing authority may, after following the procedure prescribed in rules 11 and 12, finally assess the tax or taxes payable under ¹[sections 3,3-A,3-B,3-C,3-D, 3-E, 3-G, 3-H, 3-I, 3-J,² [4, 4-F, 5,7,7-A,7-C 7-D or 7-E]] according to the best of his judgement.

Provided that before making assessment under this rules, the assessing authority shall obtained the concurrence of the Deputy Commissioner having jurisdiction if the assessment results in imposition of tax of one lakh rupees and above or enhancement of tax due to the extent of one lakh of rupees over and above the tax due as reported in the returns.

Rule 15(7). The assessing authority shall, as soon as may be after the 1st May__
[...].Provisionally determine for the current year on the basis of the return received from the dealer[under sub-rule (1), (1-A),(2) or (3)] or if such return is not submitted on or before the 1st May or if the return so submitted appears to the assessing authority to be incorret or incomplete , according to the best of his judgement; and issued to the dealer a notice in /form B.

Until an assessee receives such a notice of provisional determination of the tax, he shall continue to pay tax as in the preceding year, unless he is not liable to pay tax in the current year. Any tax so paid shall be adjusted when the tax for the year is provisionally determined. If the advance tax payable for the current year is enhanced or reduced by the assessing authority during the course of a year, the balance of the amount due, i.e., the total tax determine for the year less the amount already paid, if any, shall be spread over the rest of the months in the year in equated instalments.

Rule 15(8). ¹[If a dealer whose tax has been provisionally determined under section 13 considers that the provisional determination of the tax by the assessing authority for any period] was based on too low a turnover or was made at too low a rate or was based on too high a turnover or was made at too high a rate, he shall submit a revised estimate of his turnover in Form A or AA, as the case may be, and ask for revision. The assessing authority shall, after such scrutiny of the accounts, registers, records and other documents and after such enquiry as it considers necessary, ²[pass an order confirming, reducing or enhancing the provisional determination of the tax].

Rule 15(9). Notwithstanding the provisions of rule 9 every dealer who is registered under the Act and whether there is taxable turnover or not shall submit [a return in Form AB-1] on or before the 1st day of May every year showing his total turnover in the preceding year and the amounts by way of tax or taxes actually collected during that year.

Rule 16. After making the final assessment under sub-rule (5) or (6) of rule 15, or revision of assessment under rule 18-A, the assessing authority shall examine whether any and, if so, what amount is due from the dealer towards it [after deducting the advance payment of tax as provisionally determined] with reference to rule 10 or 11 or at the time of submission of the ¹[return in Form A-1, or AA-1 or AB-1 with reference to sub-rule (4) of rule 15. If any amount is found to be due from the dealer towards the final assessment or revision of assessment, the assessing authority shall serve upon the dealer a notice in Form B-3] and the dealer shall pay the sum demanded at the time and in the

manner specified in the notice. If the tax due on the final assessment or revision of assessment is lower than the tax already paid and if there are any arrears of tax due under the Act from the dealer, the officer shall serve upon the dealer a notice in Form C notifying the dealer of the adjustment of the amount of the excess tax towards such arrears. If there are no arrears of tax due under the Act from the dealer, or if after such adjustment there is still an excess, the officer shall serve upon the dealer a notice in Form C for refunding the amount of the excess tax and along with such notice, he shall also send to the dealer a voucher for claiming refund of that amount from the treasury. If the tax due on the final assessment or revision of assessment is exactly equal to the tax already paid, the assessing authority shall inform the dealer what the final assessment or revision of assessment is and that no further amount is due from him towards it.

Rule 17. The amount of tax or taxes [provisionally determined] for a year under rule 10 or 11 or 15(7) and the instalments specified in the notice in Form B shall, if they include fraction of a rupee be rounded to the nearest rupee.

Rule 18. (1) [In lieu of opting for payment of advance tax described in the foregoing rules], the dealer may apply to the assessing authority for permission to submit returns and pay tax in accordance with the provisions of sub-rules (2) to (7) of this rule. If the dealer desires that this method of assessment should be applied to him from the beginning of any year he shall intimate his desire in writing to the assessing authority at the time of submitting the return prescribed in rule 9 or sub-rule (2) of rule 15 and, on being permitted, shall submit the returns and pay the tax in accordance with the provisions of sub-rules (7) to (9) of this rule.

Rule 18(1-A). (1-A) A dealer who has not made an application under sub-rule (1) and who desires to apply for such permission during the course of any year, shall submit an application to the assessing authority along with ⁴[a return in Form A-1 for the preceding month or months together with proof for payment of the full amount of tax or taxes payable under ³[sections ²[3, ¹[3-A], 3-B, sub-section (1) of section 3-D, sections 3-G, 3-H, 3-I, 3-J or 4]] for the month or months to which the returns relate after adjusting the tax, if any, already paid for that year under rules 10 to 13. The assessing authority may, subject to the provisions of sub-rule (1) grant the permission applied for by the dealer.

Rule 18(1-B)(i). Notwithstanding anything contained in the foregoing rules, every dealer other than those paying tax at compounded rates, [whose total turnover in the preceding year was not less than ten lakhs of rupees or his taxable turnover in the preceding year was not less than three lakhs of rupees] and all dealers newly registered in the year shall submit returns and pay tax in accordance with the provisions of sub-rules (2) to (7) of this rule.

Rule 18(1-B)(ii). If the dealer who was not liable to pay tax under sub-rule (1) in the preceding year but whose total turnover reaches ten lakhs of rupees or whose taxable turnover reaches three lakhs of rupees in any year, as the case may be, for the first time

shall be liable to submit returns and pay tax under sub-rules (2) to (7) . He shall within 30 days of the day on which his total turnover reaches ten lakhs of rupees or his taxable turnover reached three lakhs of rupees, as the case may be, submit the returns for the month or months of the year preceding the month in which his total turnover has reached ten lakhs of rupees or his taxable turnover reached three lakhs of rupees, as the case may be, together with proof for payment of the full amount of tax or taxes payable under sections 3,3-A,3-B, sub-section (1) of section 3-D, 3-H, 3-I, 3-J or 4 for the month or months to which the returns relate after adjusting the tax, if any, already paid for that year under rules 10 to 13.

Rule 18(2). Subject to the provisions of sub-rule (5), the dealer shall submit a return in (Form A-1) showing the total and taxable turnover for each month and the amount or amounts actually collected by him by way of tax or taxes during that month.⁹[The return for each month in respect of the dealer whose taxable turnover in the preceding year is two hundred crores of rupees and above, shall be submitted so as to reach the assessing authority on or before the 12th of the succeeding month and in respect of other dealer, the returns for each month shall be submitted so as to reach the assessing authority on or before the ¹[20th] of the succeeding month ²[.....]]. Along with the return, he shall also submit ³[.....] ⁴[proof of payment as specified in sub-rule (1) of rule 55] for the full amount of the tax or taxes payable under any of the ⁸[sections⁵ [3, ⁶[3-A], 3-B, sub section (1) of section 3-D and sections 3-G, 3-H, 3-I, 3-J, 4], ⁷[7-A] or 7-C] for the month to which the return relates after deducting therefrom the amount, if any, claimed as refund due in the month under rule 23.

Rule 18(3). ²[The return in Form A-1 or AB-1] so filed shall, subject to the provisions of sub-rule (4), be provisionally accepted. If the return is submitted without ¹[proof of payment as specified in sub-rule (1) of rule 55] for the full amount of tax payable after deducting therefrom the amount, if any, claimed as reimbursement or refund due in the month under rule 23, such amount of tax shall become due on the date of receipt of the return or on the last due date as prescribed in sub-rule (2), whichever is later, and shall be recovered in accordance with the provisions of the Act without any notice of demand to the dealer.

Rule 18(4). If no return is submitted in respect of any month on or before the date specified in sub-rule (2) or before the expiry of the period prescribed in sub-rule (5) or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer notice as prescribed in rule 12, determine the turnover to the best of his judgement and [provisionally determine the tax or taxes payable] for the month and shall serve upon the dealer a notice in [Form B-3] and the dealer shall pay the sum demanded at the time and in the manner specified in the notice

Rule 18(4 A) [....]

Rule 18(5). Every dealer who discontinues his business during the course of a year in which he is assessed under the method provided in this rule shall submit to the

assessing authority concerned within thirty days of such discontinuance of business, [a return in [Form A-1] or AB-1] in the manner prescribed in sub-rule (2) for the month in which his business was discontinued.

Rule 18(6). [After the close of the year in which the tax due is provisionally determined in accordance with sub-rule (3) or sub-rule (4)] or in the course of the year to which a return submitted under sub-rule (5) relates,⁷[³[unless the dealer is eligible for [self assessment] specified in the proviso to clause (a) of sub-section (1) of section 12] or the rules relating thereto, the assessing authority shall ¹[subject to the provisions of sub-rule (5-A) of rule 15] after such scrutiny of the accounts, ²[registers, records and other documents] and after such enquiry as he considers necessary, satisfy himself that the returns filed are correct and complete, and finally assess under a single order on the basis of the returns, the tax or taxes payable under any of the ⁹[sections ⁶[³,³[3-A],3-B,sub section (1) of section 3-D, and sections 3-H, 3-I, 3-J, 4], 5 or 7-A] for the year to which the returns relate:

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (2), or if any returns submitted by him appear to the assessing authority to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary, and after giving the dealer notice as prescribed in rule 12, determine the turnover to the best of his judgement and finally assess under a single order the tax or taxes payable under ⁸[sections ⁶[³,⁴[3-A], 3-B, sub section (1) of section 3-D and sections 3-H, 3-I, 3-J, 4, 5 or 7-A]]

Rule 18(7). After making the final assessment under sub-rule (6) or revision of assessment under rule 18-A, the assessing authority shall examine whether any and, if so, what amount is due from the dealer towards it after deducting any [tax paid in advance] with reference to sub-rule (3) or sub-rule (4). If any amount is found to be due from the dealer towards the final assessment or revision of assessment, the assessing authority shall serve upon the dealer a notice in Form B-3 *[...] and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the tax due on the final assessment or revision of assessment is lower than the tax already paid and if there are any arrears of tax due under the Act from the dealer, the officer shall serve upon the dealer a notice in Form C, notifying the dealer of the adjustment of excess tax towards such arrears. If there are no arrears of tax due under the Act from the dealer, or if after such adjustment there is still an excess, the officer shall serve upon the dealer a notice in Form C for refunding the amount of the excess tax and along with such notice he shall also send to the dealer a voucher for claiming refund of that amount from the treasury. If the tax due on the final assessment or revision of assessment is exactly equal to the [tax paid in advance], the assessing authority shall inform the dealer what the final assessment or revision of assessment is and that no further amount is due from him towards it.

Rule 18(8). The notice in writing referred to section 26 shall be in Form B-6.

Rule 18(9). If a dealer who has been permitted under sub-rule (1) or (1-A) contravenes any of the provisions of this rule or fails to furnish any turnover in his return

or returns which in the opinion of the assessing authority is liable to tax, or fails to pay the tax due on such turnover, the assessing authority may, without prejudice to the action, if any, taken by him under sub-rule (4) revoke the permission granted under sub-rule (1) or (1-A) of this rule and direct the dealer to pay tax in accordance with the other provisions of these rules. The tax, if any, paid by the dealer prior to the revocation shall be adjusted towards the tax due for the year:

Provided that before revoking the permission, the assessing authority shall give to the dealer a reasonable opportunity to make his representation against such revocation.

Rule 18-A: After making assessment under ¹[section 16, 16-A, 16-AA or 16-AAA], as the case may be, the assessing authority shall serve upon the dealer a notice in Form B-8, if any amount is found to be due from the dealer towards the assessment and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the ²[tax or compounded amount] due on the assessment is lower than the [tax or compounded amount] already paid if there are any arrears of ²[tax or compounded amount] due under the Act from the dealer, the officer shall serve upon the dealer a notice in Form C notifying the dealer of the adjustment of the amount of the excess [tax or compounded amount] towards such arrears. If there are no arrears of ²[tax or compounded amount] due under the Act from the dealer, or if after such adjustment there is still an excess, the officer shall serve upon the dealer a notice in Form C for refunding the amount of the excess ²[tax or compounded amount] and along with such notice, he shall also send to the dealer a voucher for claiming refund of that amount from the treasury. If the ²[tax or compounded amount] due on the revision of assessment is exactly equal to the ²[tax or compounded amount] already paid the assessing authority shall inform the dealer what the revision of assessment is and that no further amount is due from him towards it.

Rule 18-AA:(1) Every dealer in lottery tickets liable to pay tax under the Section 7D of the Act, shall submit the following particulars and original records.

- (i) Name of the state Government or person (s) who is conducting the lottery.
- (ii) Name of the All India Authorised Distributor.
- (iii) Authorisation or letter of the person conducting the lottery, appointing the distributor.
- (iv) Authorisation or letter of authority of the All India Authorised Distributor, appointing the Distributor or Agent in Tamil Nadu.
- (v) Schedule of draws as certified by the person conducting the draw.

Every such dealer shall submit the return and pay the tax at the rates specified in the TENTH SCHEDULE and in accordance with the provisions of sub-rules (2) and (3) of this rule.

R.18-AA(2) Subject to the provisions of sub-rule (1), every such dealer shall submit a return in Form AAA-1, also showing the number of draws for each month and the amount or amounts due from him by way of tax for that month, along with such other particulars specified therein. The return for each month shall be submitted so as to reach the assessing authority thirty days before the first day of the month in which the draw is held. Along with the return he shall also submit proof of payment as specified in rule 55 for the full amount of tax payable under section 7-D for the month to which the return relates after deducting therefrom the amount, if any, claimed as refund due in the month.

R.18-AA(3) The return in Form AAA-1 also filed shall, subject to the provisions of sub-rule (4), be provisionally accepted. If the return is submitted without proof of payment, as specified in rule 55 for the full amount of tax payable after deducting therefrom the amount, if any, claimed as refund such amount shall become due on the date of receipt of the return or on the last due date as prescribed in sub-rule (2), whichever is later and shall be recovered in accordance with the provisions of the Act without any notice of demand to the dealer.

R.18-AA(4) If no return is submitted in respect of any month on or before the date specified sub-rule (2) or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer notice as prescribed in Rule 12, determine the number of draws to the best of his judgement and provisionally determine the [tax] payable for the month and shall serve upon the dealer a notice in [Form B-3] and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.

R.18-AA(5) After the close of the year in which the [tax] due is provisionally determined in accordance with sub-rule (3) or sub-rule (4), the assessing authority shall, after such scrutiny of the accounts, registers, records and other documents and after such enquiry as he considers necessary, satisfy himself that the return filed are correct and complete, and finally assess under a single order on the basis of the return, the [tax] payable under section 7-D for the year to which the return relates.

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (2) , or if any return or returns submitted by him appear to the assessing authority to be incorrect and incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer notice as prescribed in rule 12, determine the turnover to the best of its judgement and finally assess in a single order the [tax] payable under section 7-D.

R.18-AA(6) After making the final assessment under sub-rule (5) or revision of assessment under Rule 18-A, the assessing authority shall examine whether any and, if so, what amount is due from the dealer towards it after deducting any [...] amount paid in advance with reference to sub-rule (3) or (4). If any amount is found to be due from

the dealer towards the final assessment or revision of assessment, the assessing authority shall serve upon the dealer a notice in Form B-3 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the [...] amount due on the final assessment or revision of assessment is lower than the amount already paid and if there are any arrears of [...] amount due under the Act from the dealer, the officer shall serve upon the dealer a notice in Form-C notifying the dealer of the adjustment of excess amount towards such arrears. If there are no arrears of [...] amount due under the Act from the dealer, or if after such adjustment there is still an excess, the officer shall serve upon the dealer a notice in Form-C for refunding the excess amount and along with such notice, he shall also send to the dealer a voucher for claiming refund of that amount from the treasury. If the [...] amount due on final assessment or revision of assessment is exactly equal to the amount paid in advance, the assessing authority shall inform the dealer what the final assessment or revision assessment is, and that no further amount is due from him towards it.

Rule 18-B. (i) Every department of a Government liable to pay tax under this Act shall submit a return in Form A-10 showing the total and taxable turnover for each quarter and the amount or amounts actually collected by it by way of tax or taxes during that quarter. The return for each quarter shall be submitted so as to reach the assessing authority of the area having jurisdiction over the place of business on or before 25th of the month succeeding the quarter. The returns shall be submitted by the officer of the department duly authorised in this behalf by the head of the department concerned. Along with the return, it shall also submit [...] proof of payment as specified sub-rule (1) of rule 55 for the full amount of the tax or taxes payable under any of the sections under the Act for the quarter to which the returns relates. ²[If the amount of the tax collected by the department is not remitted along with the return and if no proof of payment is enclosed to the return, the assessing officer concerned shall demand and recover the amount due from the government department concerned].

R.18-B.(ii) The return so submitted shall be provisionally accepted. The assessing authority shall, as soon as may be, after the receipt of the return, inspect the accounts of the department and verify the correctness of the return, rates of taxes charged in the amount collected by way of taxes. If the return or the rates of taxes charged and the amount collected by the way of tax are found to be incorrect, he shall intimate the correct rate applicable and the amount of tax to be collected to the department concerned. The department concerned shall thereafter rectify the mistake and collect and remit the correct taxes due under the Act and intimate the fact to the assessing authority together with the receipt number and date in which they were remitted.

R.18-B(iii) Every department of a government which purchases goods shall furnish in the annexure to Form A-10 the particulars of all purchases exceeding rupees one thousand at a time in respect of each commodity effected during each quarter.

Rule 18-C. In making an assessment under section 12-A, the assessing authority shall take into account such of the following factors as may be relevant to the determination of the [prevailing market price] of the goods, namely, –

R18-C(i) the price charged by the other dealers at the relevant stage of sale of similar goods during the relevant period;

R18-C(ii) the difference between the price charged by the dealer on his sale and the price charged by the second and subsequent dealers on the sale of the same goods.

R18-C(iii) the difference between the price paid by a dealer towards the purchase of the goods from the earlier seller and the price charged for the resale of the same goods; and

R18-C(iv) the differential price charged on sales against bulk orders and small orders in respect of the same goods. If the difference in prices, exclusive of the sales tax element, is more than fifteen per cent, the assessing authority shall examine the reasons for the variations, taking into account the relationship between the parties to the transactions, the charges for after-sale services, packaging, transport and other expenses incurred by subsequent sellers which add to the cost of the goods at each stage of sale by successive dealers. The assessing authority shall also examine whether there is such difference in the price charged on the sales of the same goods to different customers and whether the goods are made available to all distributors or other customers in unlimited quantities and at the same prices. After making due allowance towards the variation in prices and normal profit margin, the assessing authority shall arrive at the market price that should have been charged by the dealer and levy tax on the taxable value so arrived at.

Rule 18-D. The returns referred in ¹[Rules 7(1) (a), 14(2), 15, 18(1), 18(1-A), [18(1-B)] and 18(2)] shall be submitted in duplicate.

Rule 18-E. (1) Every dealer liable to pay tax or entitled to refund of tax under section 16-C shall, on or before the 30th April of the year, submit to the assessing authority of the area in which his place of business is situated, a return in Form AA2, showing the amount received or returned by him by way of price variation in the preceding year:

Provided that if the amount so received or returned in the preceding year relates to two or more previous years, separate returns shall be submitted for each such year.

R18-E(2) On receipt of the return referred to in sub-rule (1), the assessing authority shall, after such scrutiny of the accounts and after such enquiry as he considers necessary pass orders –

R18-E(2)(a) demanding the tax payable on the amount received due to price variation and shall serve upon the dealer a notice in Form B; or

R18-E(2)(b) refunding the tax due on the amount returned and shall serve upon the dealer a notice in Form C.

R18-E(3) A dealer to whom refund towards price variation is ordered under sub-rule (2), may adjust the amount towards the tax payable by him.

R18-E(4) If the return submitted to the assessing authority [is incorrect], incomplete or otherwise not in order, he shall, after making such enquiry as he considers necessary and after giving the dealer an opportunity of being heard, pass such orders thereon as he thinks fit, giving reasons in writing.

R18-F(1) Whenever any person making any deduction under section 7-F shall deposit the sum so deducted to the assessing authority having jurisdiction over the person so making the reduction within 12th day of the succeeding month in which the deduction was made along with statement in Form XXXVII.

R18-F(1-A) The certificate referred to under clause (b) of first proviso to sub-section (1) of 7-F shall be in Form XXXVII-B.

R18-F(2) The certificate referred to under sub-section (3) of section 7-F shall be in Form XXXVII-A

R18-F(3) The refund of the amount deposited under sub-section (2) of section 7-F shall be made by the following procedures contemplated in rule 18.

Rule 19. (1) [While determining the tax due] under rules 11, 12, 14, 15, 18 and 18-A the assessing authority shall pass an order of assessment and furnish a copy of it to the assessee. If, in any case, the assessing authority determines the turnover at a figure higher than that shown in a return, submitted under the provisions of these rules, he shall record his reasons briefly in the order of assessment. Failure by the assessee to receive a copy of such order shall not affect validity of the assessment.

R19(2) In every case of [self-assessment] also the assessing authority shall pass an order of assessment and furnish a copy of it to the assessee. Failure by the assessee to receive a copy of such order shall not affect the validity of the assessment.

Rule 19-A. Where a dealer is liable to pay tax under the provisions of section 7-A he shall furnish to the concerned assessing authority of the area in which his principal place of business is situated, the returns in accordance with rules 7,14,15 and 18.

Rule 19-B. (1) Every dealer other than a casual trader in any of the goods specified ¹[in the ²[First, Second, Fifth, Sixth and Eleventh Schedules] to the Act whose [total turnover in a year exceeds rupees three lakhs]] and every other dealer who claims exemption on a turnover for the year shall submit so as to reach the assessing authority on or before the last day of the calendar month a return in Form A-9 [in duplicate] showing the details of his purchases or sales in the preceding month in respect of which he has claimed exemption:

Provided that the details of the purchases or sales of the goods specified in the Third Schedule to the Act or of the goods liable to tax under the Central Sales Tax Act, 1956, shall not be included in the return in Form A-9.

R19-B(2) In the case of dealers paying taxes following the method of assessment specified in rule 18 the monthly return in Form A-9 shall be submitted on the due date specified above.

R19-B(3) The Commissioner may, by general or special order, exempt, subject to such conditions, if any, as may be specified in the order, any class of dealers or class of goods or both from the provisions of rule 19-B:

Provided that no order under this sub-rule shall be made unless the reasons for doing so are recorded in writing.

Rule 20. Every dealer who has bought or sold goods for valuable consideration other than money shall separately specify in the return of turnover which he is required to submit under these rules, the quantity of goods so bought or sold and the description in sufficient detail of the valuable consideration for which the goods were bought or sold. The assessing authority shall fix the value of such consideration in money by taking into account the market value of the goods on the date of the transaction for the purpose of determining the turnover and assessment of the tax payable under the Act and the value fixed by such authority shall, subject to the appeal and revision provided for in the Act and these rules, be final.

Rule 21. Every dealer shall specify in the return submitted under these rules his total and taxable turnover separately in respect of each of the goods mentioned in the [First, Second, Third, Sixth and Eleventh Schedules] to the Act. He shall also furnish separate particulars of turnover in respect of each of the goods falling under sections-3A,3-B,3(3),3(4) and 7A of the Act and the turnover liable to be taxed at a reduced rate as specified in the notification issued under section 17 of the Act.

Rule 21-A. [...]

Rule 22. (1) The declaration referred to in clause (b) of the first proviso to sub-section (3) and the first proviso to sub-section (5) of section 3 shall be furnished in Form XVII. The declaration referred to in sub-section (5) may be issued only for the purchases of goods made on or after the 17 th. July 1996.

R-22(2) A dealer who wishes to purchase goods from another dealer on payment of tax at the rate specified in [sub-section (3) or sub-section (5) of section 3], shall obtain from the assessing authority a blank declaration form prescribed under sub-rule(1) and shall furnish to the selling dealer the original and duplicate portions of the declaration in Form XVII duly filled in and signed by him or by any responsible person authorized by him in this behalf and shall retain the counter-foil.

R-22(3) No purchasing dealer shall give a declaration except in a form obtained by him on application from the assessing authority and not declared obsolete and invalid under this rule.

R-22(4) No selling dealer shall accept any declaration except in a form obtained by the purchasing dealer on application from the assessing authority as aforesaid and not declared obsolete or invalid.

R-22(4-A) Every dealer purchasing goods by issue of the declaration in Form XVII shall maintain a separate day-to-day stock account for each of the goods purchased by him in Form XVII-B.

R-22(5) A dealer who claims that a sale is liable to tax under [sub-section (3) or sub-section(5) of section 3] shall submit along with his return of turnover in which that sale is included or at any time before the final assessment of the accounts for that year the portion marked 'original' of the declaration received by him from the purchasing dealer and shall also produce for inspection the portion of it marked 'duplicate' if the assessing authority, in his discretion, directs him so to do.

Notwithstanding anything contained in the foregoing, a dealer paying tax under rule 18 may, instead of attaching the declaration in form XVII to his return of monthly turnover in ¹[Form A-1] keep it in his custody subject to the condition that he submits all the forms of declaration relating to the year along with the last return in ²[Form A-1] due for that year or at any time before the final assessment of the accounts for that year.

R-22(5-A) A single declaration in Form XVII may cover all transactions of sales effected during [financial year] and if the space provided in the declaration is not sufficient for making all the entries in respect of such transactions the entries may be made in separate annexures attached to the declaration so long as it is indicated in the form that the annexures form part thereof and every such annexure is also signed by the persons signing the declaration.

R-22(5-B) Every dealer who has received declarations in Form XVII shall maintain a register in Form XVII-A showing serially and chronologically the receipt of the forms of declaration from the purchasing dealer.

R-22(6) Every declaration form obtained from the assessing authority by a dealer shall be kept by him in safe custody and he shall be personally responsible for the loss, destruction or theft of any such form or the loss of revenue to Government, if any, resulting directly or indirectly from such theft or loss.

R-22(7) Every dealer to whom any declaration form is issued by an assessing authority shall maintain in a register in Form XVII a true and complete account of every such form. If any such form is lost, destroyed or stolen, the dealer shall report the fact to the assessing authority immediately, shall make appropriate entries in the remarks column of the said register and take such other steps to issue public notice of the loss, destruction or theft as the assessing authority may direct.

R-22(7-A) Where both the original and duplicate portions of the declaration form furnished by the dealer purchasing the goods have been lost, destroyed or stolen the dealer selling the goods may demand from the dealer who purchased the goods a fresh declaration form. The dealer purchasing the goods shall furnish a fresh declaration form from the stock of blank forms obtained by him from the assessing authority with all the relevant particulars and with the following additional declaration recorded in red ink and duly signed by him in all the three portions of the said form: -

I hereby declare that this is true copy of the declaration form No..... signed on..... and issued to.....who is a registered dealer on the file of...(assessing authority) and whose registration number is....

R-22(8) Any unused declaration form remaining in stock with a dealer shall be surrendered to the assessing authority on the discontinuance of the business by the dealer or cancellation of his certificate of registration on his ceasing to be an assessee.

R-22(9) No dealer to whom a declaration form is issued by the assessing authority shall, either directly or through any other person transfer the same to another person except as provided in sub-rule(2).

R-22(10) A declaration form in respect of which a report has been received by the assessing authority under sub-rule (7) shall not be valid for the purpose of sub-rule (2).

R-22(11) The [Assistant Commissioner of Commercial Taxes] shall from time to time publish in the Tamil Nadu Government Gazette the particulars of the declaration from in respect of which a report has been received under sub rule (7).

R-22(12) The Government may, by notification to be published in the Tamil Nadu Government Gazette, declare that declaration forms of a particular description shall be deemed to be obsolete and invalid with effect from such date as may be specified in the notification.

R-22(13) On the publication of the notification referred to in sub-rule (12), all dealers shall, on or before the date with effect from which the forms are so declared to be obsolete and invalid, surrender to the assessing authority all unused forms of the said description as may be in their possession and obtain in exchange such new forms as may be substituted for the forms declared obsolete and invalid.

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 assessing authority.

Rule 22-A. [...omitted]

Rule-22-B [...]

RULE 23. (1) Every dealer who claims reimbursement under sub-section(1) of section 4-A shall submit along with his return of turnover in which that sale is included or at any time before final assessment of the accounts for that year, a statement of claim in Form A-2 to the assessing authority.

Provided that the assessing authority may condone delays up to a period of seven days in the submission of the statement, if he is satisfied that the dealer had sufficient cause for not submitting the statement within the said period.

R.23(2) Every dealer who claims a refund under sub-section (2) of section 4-A shall, within thirty days from the date of purchasing of such goods by another dealer, submit to the assessing authority a statement in [Form A-3]:

Provided that the assessing authority may condone delays up to a period of seven days in the submission of the statement, if he is satisfied that the dealer had sufficient cause for not submitting the statement within the said period.

R.23(2-A) Every dealer claiming refund under section 4-C shall, within thirty days of receipt or despatch of the goods or before the completion of the final assessment, whichever is later, submit to the assessing authority a statement of claim in Form A-4. In the alternative, he may adjust the amount by way of deduction from the tax payable by him in accordance with the return in Form A-1 or AA1, as the case may be, provided he files along with the return the statement in Form A-4 showing all the claims relating to the period to which the return relates ¹[and such adjustment is made in the returns filed for the year].

R.23(2-B) Every dealer claiming refund under section 4-D shall, within thirty days of receipt of the goods returned, submit to the assessing authority a statement of claim in Form A-4. In the alternative, he may adjust the amount by way of deduction from the tax payable by him in accordance with the return in Form A-1 or AA1 as the case may be, provided he files along with the return statement in Form A-4 showing all the claims relating to the goods returned within thirty days , preceding the date on which the return is due ¹[and such adjustment is made in the returns filed for the year].

R.23(2-C) Every dealer claiming refund under Section 4-E, shall submit to the Assessing Authority a statement in Form A-5 before the completion of the final assessment, and also furnish the details of quantity and value regarding opening stock, purchase, closing stock, raw materials consumed, goods manufactured and finished goods exported. Such claim shall be only for the purchases made on or after the 17th July 1996.

R.23(3) A dealer who claims reimbursement under sub-rule (1) or refund under sub-rule (2) ¹[or (2-A) or (2-B)] may adjust the amount towards the tax payable by him subject to the provisions of sub-rules (5) and (6).

R.23(4) The burden of proving the claim preferred shall be on the dealer.

R.23(5) On receipt of the [statement in ¹[Form A-2] or ²[Form A-3 or Form A-4 or Form A-5]] as the case may be, the assessing authority shall if he is satisfied after

such scrutiny of the accounts and after such enquiry as he considers necessary that the claim is admissible, pass orders reimbursing or refunding the tax, where the dealer has not adjusted the amount towards the tax payable by him for the reason that he had no transaction taxable under the Act. A certificate of reimbursement or refund in Form C1 on the basis of the order of reimbursement or refund shall be issued along with the order.

R.23(6) If the statement submitted appears to the assessing authority to be incorrect, incomplete or otherwise not in order, he shall, after making such enquiry as he considers necessary and after giving the dealer in opportunity of being heard, pass such orders thereon, as he thinks fit giving reasons in writing.

RULE 23-A.(1) For the purpose of claiming the interest payable by the Government under sub section (4) of section 24, every dealer who either does not receive the intimation of refund due to him in pursuance of an order or proceedings referred to in the said sub-section after the expiry of ninety days from the date of such order or proceedings or who receives such intimation after the expiry of ninety days shall make application to the assessing authority concerned. Every such application shall be in [Form XXXIII].

R23-A.(2) No interest shall be payable for any period during which the refund was stayed by the competent authority under sub-section (2) of section 39-A or the intimation of refund could not be served on the dealer due to the non-availability of the dealer or his authorised representative or due to any delay on the part of the postal authorities in case such intimation was sent by post or for any other reason beyond the control of the Department.

R23-A.(3) On receipt of the application prescribed under sub-rule (1), the assessing authority shall, after such enquiry as he may consider necessary for the purpose of verification of the eligibility of the dealer and the correctness of the claim made, issue a notice in Form C-2 for the payment of the interest and along with such notice, he shall also issue a voucher for claiming from the treasury the amount of interest due.

R 23-A.(4) If, on such enquiry, the assessing authority finds that the claim is not in order or that the amount of interest claimed is not admissible either in full or in part, he shall, after giving the dealer an opportunity of being heard, and for reasons to be recorded in writing, reject the claim or disallow such part of the claim as is found inadmissible and shall issue the notice in Form C-2 for the payment of the interest found admissible together with a voucher as aforesaid.

R23-A.(5) The arrears of tax or other amounts due from the dealer shall be adjusted from the interest payable to him under this rule.

RULE 24 (1) Every dealer carrying on business before the commencement of the Act, or commencing business after the commencement of the Act, whose total turnover reaches ¹[Rs.3,00,000] in any year, shall unless exempted ²[under section 20 (2-AA) (I)] submit to the registering authority of the area in which his principal place of business is

situated an application for registration within thirty days of his total turnover reaching ²[Rs.3,00,000].

R.24(2) Notwithstanding the provisions of sub-rule (1) and [unless exempted under section 20 (2-AA)(I)], every dealer registered under sub-section (3) of section 7 of the Central Sales Tax Act,1956, (Central Act 74 of 1956), every dealer residing outside the State but carrying on business in the State, every agent of non-resident dealer and every commission agent, broker, del credere agent, *[auctioneer, any other mercantile agent by whatever name called and every dealer in bullion,gold, silver and platinum jewellery, including articles thereof and worn-out or beaten jewellery and precious stones] [shall irrespective of the quantum of his turnover in such goods and irrespective of the point of levy of tax] submit to the registering authority of the area in which his principal place of business is situated an application for registering within thirty days of the commencement of business.

R.24(3)(i) Notwithstanding the provisions of sub-rules (1) and (2), every casual dealer shall irrespective of the quantum of his total turnover, submit to the registering authority of the area in which he effects the occasional transaction, an application for registration within 24 hours of the completion of such transaction:

Provided that if the casual trader has already got himself registered with a registering authority in the State, he shall submit the registration certificate to the registering authority of the area, and get the place of business entered in the registration certificate free of payment of fee.

R.24(3)(ii) In cases mentioned in sub-section (2-A) of section 20, the successor in business or part thereof shall make an application for registration within thirty days of the date on which he succeeds to the business or part thereof.

R.24(4) Any dealer who is not bound to submit an application for registration under sub-rules (1) and (2), and any other dealer or person intending to commence business may, if he so desires, apply for registration under section 20 to the registering authority of the area in which his principal place of business is situated or proposed to be situated.

R.24(5) Where a dealer who resides outside the State and has no fixed place of business in the State sells supplies or distributes goods through an employee or a person other than an agent by whatever name called, such dealer shall submit the application for registration to the [Commissioner of Commercial Taxes] or any officer authorised by the [Commissioner of Commercial Taxes] in this behalf.

R.24(5-A) [...]

R.24(6)(i) Every application under sub-rule (1) to (5) shall be made in Form D and shall specify all the particulars required therein. Every person signing and verifying an application for registration shall also furnish with the application, two copies of his recent photograph [...] in passport size at the time of Registration and also furnish such photographs once in every five years. The person so furnishing the photograph shall

when called upon to do so appear before the Registering Authority and sign before him on the copies of the photograph furnished. (In the case of a minor, the application shall be made by the guardian, trustee or agent of the minor carrying on business on behalf of and for the benefit of such minor).

R.24(6)(ii) Where the application is sponsored by a Chamber of Commerce or Trade Association or another registered dealer, the facts mentioned in the application should be verified and certified by the sponsors on the application form itself or in a covering letter.

R.24(7) Every application for registration shall be accompanied by proof of payment of registration fee for the principal place of business and for every other place of business as specified in sub-section (1) section 21 of the Act.

R.24(8) The registering authority shall on receiving the application in Form D verify the correctness of the information furnished in the application, and make such enquiry, or cause such enquiry to be made as it may consider necessary and after satisfying itself that the application is in order, shall issue within 30 days from the date of receipt of the application, a certificate of registration in Form D-1.

If for any reason, the certificate of registration cannot be issued within the period specified above, the registering authority shall give the applicant a notice of further enquiry or a notice to show cause against rejection of the application within a period of thirty days from the date of receipt of the application.

If the certificate of registration is not received by the applicant within thirty days from the date of his application or if no notice is received by him within the said period, the applicant shall be deemed to have been fully registered.

R.24(8-A) certificate of registration issued or deemed to have been issued under sub-rule (8), shall take effect-

R.24(8-A)(a) (i) In the case of a person (other than a person succeeding to the business or part thereof who has made the application within the prescribed period) from the date of commencement of the business;

R.24(8-A)(a) (ii) in the case of a person who had made the application after the prescribed period, from the date on which the application was received by the registering authority.

R.24(8-A)(b) in the case of any person succeeding to the business or part thereof from the date on which he succeeds to the business.

R.24(8-A)(c) in the case of person liable for compulsory registration and who has made the application within the time prescribed therefor from the date on which he commenced the transactions, attracting liability for registration and where he has not made the application within the time so prescribed from the date on which the application for registration was received by the registering authority; and

R.24(8-A)(d) in the case of a person intending to commence the business, from the date on which the application was received by the registering authority.

R.24(9) Every registered dealer shall, until his registration is cancelled, submit an application in Form D and ³[pay the²[fee as specified in sub-section (1) of sub-section 21 of the Act for every year subsequent to that in which he applied for registration, during the month of march of the financial year for which the registration is valid and in addition a further fee as in sub-section(1) of section 21] in respect of each of his palce of business other than the principal place of business. ¹[Every person signing and verifying an application in Form D shall also furnish with the application two copies of [his recent photograph in passport size], if such photographs had not been furnished earlier].

The chalan or other proof of payment of the renewal fee shall be sent to the registering authority along with the application in Form D.¹ [The registering authority, on receipt of application for renewal along with proof of payment of the renewal fee, shall make such enquiry or cause such enquiry to be made, as it may consider necessary and renew, modify or cancel the registration certificate. Where the renewal is made, the registering authority shall inform the dealer that his registration had been renewed and the dealer shall have such information filed along with his registration certificate. Where the renewal of registration is proposed to be modified or rejected, the registering authority shall do so after giving a reasonable opportunity to the dealer to show cause against such modification or rejection].

If such intimation of renewal is not received by the applicant within thirty days from the date of his application or if no notice giving him an opportunity of being heard is received by him within the said period, the applicant shall be deemed to have been duly registered.

Provided that when there are no changes in any of the particulars required in columns ¹[1 to 7, 11 and 12] of Form D, fresh application need not be submitted for renewal of the registration certificate in the prescribed form but a letter shall be sent to that effect, ²[along with two copies of his [recent photograph in passport size] of the person who has signed and verified the original application in Form D submitted under sub-rule (6) of this rule, if such photographs had not been furnished earlier. Such photographs shall also be furnished once in every five years thereafter].

Provided further that any dealer who has registered under the Companies Act,1956 (Central Act I of 1956) or who has been doing business continuously for a period of five years and who desires to pay registration fee for five years in a lumpsum, may do so at his option by paying a sum specified for the principal place of business and each of his additional place of business other than the principal place of business and he shall not be liable to renew his registration for a period of five years including the year in which he has paid the renewal fee

Provided also that, in respect of financial year commencing from the first day of April 2002, a registered dealer who fails to renew the certificate of registration on or

before the date specified in sub-rule(9) shall be permitted to renew the certificate up to 30th day of September 2002 on payment of a penalty as specified.

R.24(9-A) Notwithstanding anything contained in sub-rule (9), registered dealer who fails to renew the certificate of registration on or before the date specified in that sub-rule shall be permitted to renew the certificate [upto the 30th April of the year for which renewal is requested] on payment of a penalty equal to the fee payable for the principal or additional place of business, as the case may be.

Provided that, in respect of financial year commencing from the 1st day of April 2002, every registered dealer shall pay the fee as specified sub-section (1) of section 21 of the Act on or before 30th day of April 2002.

R.24(10) No registration certificate issued shall be sold or transferred.

R.24(11) Where a registered dealer transfers his business to another dealer, the transferee shall apply for a fresh certificate of registration and copy for each of the several places of business, if any, on payment of the prescribed fees. The registering authority shall, if he is satisfied that the application is in order, issue within thirty days from the date of receipt of the application or the payment of the prescribed fees, whichever is later, fresh certificate of registration with necessary copies thereof.

If the certificate of registration is not received by the applicant within thirty days from the date of his application or the payment of the prescribed fees, whichever is later or if no notice giving him an opportunity of being heard is received by him within the said period, the applicant shall be deemed to have been duly registered.

R.24(12) When a registered dealer changes any place of his business, he shall intimate the fact to the registering authority, within thirty days of such change and get his certificate of registration amended accordingly.

R.24(13) Where a registered dealer enters into partnership with some other person the firm of partners so formed shall, within thirty days of the commencement of its business, submit an application for fresh certificate of registration and copies thereof where necessary for each of the several place of business, on payment of the prescribed fees. ¹[Where a minor inherits an existing business or succeeds a dealer, the guardian, trustee or agent of such minor shall, within thirty days of such inheritance or succession, as the case may be, submit an application for fresh certificate of registration and copies thereof, wherever necessary for each of the several places of business, on payment of the prescribed fees]. The registering authority shall, if he is satisfied that the application is in order, issue within thirty days from the date of receipt of the application or the payment of the prescribed fees whichever is later a fresh certificate of registration with necessary copies thereof.

If the certificate of registration is not received by the applicant within thirty days from the date of his application or the payment of the prescribed fees, whichever is later or if notice giving him an opportunity of being heard is received by him within the said period, the applicant shall be deemed to have been duly registered.

R.24(14) No registered dealer shall keep his goods in any place or godown not mentioned in the registration certificate.

R.24(15) [.....]

R.24(15-A) The security shall be in any of the following forms, namely:-

- (i) Immovable property
- (ii) Deposit in Government Treasury by cash;
- (iii) Government promissory notes duly pledged in the name of the registering authority;
- (iv) Post office Savings Bank Deposits, duly pledged in the name of the registering authority

(v) Deposits made with the State Bank of India or any Subsidiary Bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act 1959(Central Act XXXVIII of 1959) or any corresponding new Bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or any non-nationalised scheduled Bank operating in the State of Tamil Nadu or the Tamil Nadu State Cooperative Banks and Central Co-operative Banks approved by the Registrar of Co-operative societies for the purpose.

(vi) Loan bonds other than prize bonds or debenture issued by Quasi-Government organisations or other institutions repayments of which are guaranteed by the Government and National Defence Certificates duly pledged in the name of the registering authority

Explanation I- Where the security is furnished in the form of immovable property, a person furnishing it may in any town to which sub-section (1) of section 58 of the Transfer of the property Act 1882(Central Act IV of 1882) is applicable. Mortgage such property to the Government by deposit title deeds. In other case, the security shall be by means of registered Mortgage of the immovable property. The security bond shall be in Form XIX-B and shall be filled in duplicate the original of which should bear appropriate adhesive non-judicial stamps or Court fee stamps.

Explanation II- Where security is furnished in the form of a deposit in any of the banks specified in item (v) above, the deposit shall be made in the name of the registering authority/Account dealer (proprietor/Firm/Company, etc.) and the dealer shall, at the time of making the deposit give an application/letter to the bank to the effect that the deposit in question has been offered to the registering authority as security for the due performance of his publication and the Tamil Nadu General Sales Act, 1959(Tamil nadu Act I of 1959) and that the deposit might be held, renewed or released according to the instructions of the registering authority.

R.24(16) A registered dealer may collect the amount by way of tax under the Act, subject to the following conditions, namely:

R.24(16)(i) He shall issue a bill or cash memorandum in respect of every sale in duplicate one copy of which is retained for check by the officials of the Commercial Taxes Department.

R.24(16)(ii) He shall not collect any amount by way of tax on any transaction not liable to tax under the Act at a rate exceeding the rate specified in ¹[sections [3,[3-A],3B sub-section (1) section 3D and sections 3G,3H,3I,3J,4 or 7C]] or a notification issued under section 17.

R.24(17)(i) every registered dealer shall exhibit a name board in the registered place of business, showing the name and style of the **business** with full address with registration certificate numbers both under the Tamil Nadu General Sales Tax Act, 1959 and the Central Sales Tax Act, 1956.

R.24(17)(ii) The name board shall be in Tamil. Wherever other languages are also used, the revision in English shall be in the second place, followed by the version in other languages, if any. The Tamil letters in the name board shall be in the reformed script.

Issued of Permits for Travelling Salesmen and Representatives.

RULE 25. (1)[.....]

Rule.25(2) Every application for a permit under section 21-A shall be submitted so as to reach the assessing authority not later than the 30th April of the year for which the permit is applied for:

Provided that in the case of a business which is commenced in the course of a financial year, the application shall be submitted to the said authority so as to reach him not later than thirty days from the date of commencement of the business:

Provided further that in case where a dealer desires during the course of a year to transact business at places other than his registered place of business or to employ a travelling salesman or representative to transact business as aforesaid the application for the permit shall be submitted to the assessing authority sufficiently in advance of the date from which the dealer to transact business or to employ a travelling salesman or representative as aforesaid.

R.25(2-A) In cases mentioned in sub-section (1-A) of section 21-A, the successor in business or part thereof shall apply for a permit within thirty days of the date on which he succeeds to the business or part thereof.

R.25(3) Every such application shall specify the name and address of the registered dealer, the number and date of his registration certificate, and the name and address of the travelling salesman or representative for whom the permit is required.

R.25(4) [....]

R.25(5) Every application for renewal of a permit shall be submitted so as to reach the assessing authority not later than the 30th April of the year for which the renewal is required.

R.25(6) [....]

R.25(7) Every application for the grant or renewal of a permit shall be accompanied by proof of payment as specified in sub-rule (1) of rule 55 for the amount of the fees.

R.25(8) The assessing authority receiving the application may, within thirty days from the date of receipt of the application, or the payment of the prescribed fee whichever is later, and after satisfying himself that the application is otherwise in order, issue a permit in Form D-2. If the permit is not received by the applicant 30 days from the date of his application with fees, or if no notice giving him an opportunity of being heard is received by him within the said period, the permit shall be deemed to have been issued.

R.25(9) and (10) [.....]

R.25(11) The authority competent to cancel a permit under sub-sections (7) and (8) of section 21-A shall be the assessing authority.

R.25(12) and (13) [....]

R.25(14) Where a permit granted or renewed under this rule is lost or is accidentally destroyed, the assessing authority may on application and on payment of [the fees specified under sub-section(6-A) of section 21-A], issue, within thirty days from the date of receipt of complete application or the payment of fee whichever is later, a duplicate of the permit.

RULE 25-A. (1) The written authorisation given by a registered dealer in favor of travelling salesman or representative shall be in Form D-3 containing the particulars specified therein and shall be subject to the conditions specified in such form.

R.25-A(2) The form of authorisation referred to in sub-rule (1), shall be obtained from the assessing authority on payment of a fee of [twenty rupees].

R25-A(3) Where an authorisation issued to a travelling salesman, or representative is lost or accidentally destroyed, a fresh form of authorisation shall be obtained from the assessing authority on payment of a fee of [twenty rupees]..

Accounts

RULE 26. (1) Every person registered under the Act, every dealer liable to get himself registered under the Act and every other dealer who is so required by an assessing authority by notice served in the prescribed manner shall keep and ¹[maintain

an up-to-date, true and correct account in ink] in any of the languages specified in the Eighth Schedule to the Constitution or in English showing ²[the goods produced, manufactured, bought or sold or delivered or supplied or otherwise dealt with in any of the ways referred to in clause (n) of section 2 and the turnover thereof] separately together with the voucher and in cases where such person or dealer keeps and maintains his accounts in a language other than English he shall adopt international numerals in the maintenance of such accounts.

R.26(2) Every such dealer shall keep separate sales accounts for different goods liable to tax at different rates and stages, and shall also maintain a day to day register in Form XXIII showing the sales of such goods.

R.26(2-A) Where the assessing authority has reason to doubt the genuineness or correctness of the dealer's sales accounts, he may, for such time as he considers it necessary, direct the dealer to maintain purchase accounts for different goods liable to tax at different rates and stages and a subsidiary or Katcha account showing the date and time of arrival of the goods:

Provided that before taking action under the sub-rule, the assessing authority shall give to the dealer an opportunity of making representation against the maintenance of such accounts.

R.26(2-B) Any person aggrieved by an order passed under sub-rule (2-A) may within thirty days from the date of receipt of such order, file an application for revision of such order to the Deputy Commissioner concerned;

Provided that the Deputy Commissioner of Commercial Taxes may admit an application for revision presented after the expiry of the said period, if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

R.26(2-C) Any person objecting to an order passed by the Deputy Commissioner under sub-rule (2-B) may, within the 30 days from the date of receipt of the order, file an application of revision of order to the [Joint Commissioner of Commercial Taxes].

Provided that the [Joint Commissioner of Commercial Taxes] may admit an application for revision presented after the expiry date of said period, [If he is satisfied] that the applicant had sufficient cause for not presenting the application within the said period.

R.26(3) Notwithstanding anything contained in sub-rules (1) and (2), a dealer whose total turnover does not exceed Rs.2,00,000 and who has opted to pay tax at the rates prescribed in sub-section (1) of section 7 of the Act, shall maintain a true and correct account of all purchases with all supporting vouchers or of his daily sales in Form XXXI, provided he sells the goods in the same condition as they were at the time of purchase without subjecting them to any physical, chemical or other process save mere

cleaning, grading, sorting or drying before such sale. The totals for each calendar month shall be struck at the end of each month and an abstract prepared at the end of each financial year or upto the date of discontinuance of business.

R.26(3-A) Notwithstanding anything contained in sub-rules (1) and (2) a dealer who has opted to pay tax at the rates prescribed in [sub-section(2) of section 3-D or section 3-E or 7-E] of the Act, need maintain only the following accounts

- (i) Purchase and sale bills:
- (ii) Total accounts relating to sales for every month
- (iii) Tax collection, if any,, and tax payments for every month
- (iv) Total purchases in the year
- (v) Opening and closing stocks for the years

R.26(4) Every dealer in declared goods shall maintain separate accounts in respect of each of such class of goods.

R.26(5) Every dealer shall keep separate accounts in respect of sales or purchases in the course of export or import and in respect of inter-state sales or purchases

R.26(5-A) (a) Every dealer who claims exemption on the transactions conducted on consignment basis through agents (either resident in this State or non-resident) shall maintain

R.26(5-A)(i) A register in Form XXVI showing the particulars of goods consigned on each occasion, agent wise;

R.26(5-A)(ii) The originals of the written contract, if any, entered into between the dealer and the agent.

R.26(5-A)(iii) Office copies of the [authorisation letters, consignment notes or despatch advises , as the case may be], sent to the agent in respect of the goods despatched on each occasion;

R.26(5-A)(iv) [.....]

R.26(5-A)(v) Pattials, i.e., accounts rendered by the agents to the dealer from time to time, showing the gross amount of the purchases or sales the deduction on account of commission and incidental charges and the net amount payable by the agent;

R.26(5-A)(vi) The particulars of tax paid by the agent showing the date of payment, the amount of tax paid and the Assessing Officer to whom the payment was made; and

R.26(5-A)(vii) A record showing the particulars of all remittances received from each agent or made to each agent including the date, the amount and the mode of remittance.

R.26(5-A)(b) Copies of the ¹[authorisation letters, consignment notes, despatch advises, as the case may be] sent to the agent on each occasion and a statement showing the description, quantity and value of the goods despatched to each agent on each occasion should be furnished to the assessing officer concerned simultaneously with the despatch of the authorisation letters or of the goods to the agent, as the case may be.

R.26(5-A)(c) Every such dealer who claims exemption on the transactions effected through agents shall also furnish to the assessing authority concerned, on or before the 25th of each month, a statement, in duplicate, showing the turnover of sales or purchases effected through the agents in the previous month, containing the following particulars;

- (i) Name and full address of the agent
- (ii) Names of goods bought/sold through the agent, liable to different rates of tax.
- (iii) Turnover of goods liable to different rates of tax.
- (iv) Rate of tax.
- (v) Amount of tax due by the agent.
- (vi) Designation of the assessing authority to whom the tax is paid by the agent.

Separate statement shall be furnished in respect of each agent.

R.26(5-A)(d) Every such dealer who claims exemptions on the transactions effected through agents, shall also furnish to the assessing authority concerned on or before the 30th June of every year, a certificate in duplicate certifying the payment of tax by agents from the assessing officer for the previous financial year.

R.26(6)(a) Every commission agent, broker, del credere agent, auctioneer or other mercantile agent, by whatever name called, shall maintain:-

(i) A register in form XXV showing the particulars of goods purchased or received for sale on each occasion, in respect of each principal separately;

(ii) The original or copy of the written contracts, if any entered into between the agent and the principal;

(iii) Copies of authorisations received by him to purchase or sell goods on behalf of each principal separately;

(iv) Details of purchases or sales effected on behalf of each principal each day showing the names of commodities, quantities and value of purchases or sales and the tax due thereon;

(v) Copies of pentials, i.e., accounts rendered by the agent to the principal from time to time, showing the gross amount of the purchases or sales, deductions on account of commission and incidental charges and the net amount payable to the principal;

(vi) The turnover of purchases or sales effected on behalf of each principal each month, with separate particulars for goods, liable to tax at different rate, the tax due thereon, the amount of tax paid, date and mode of payment, and the assessing authority to whom the payment was made;

(vii) A record showing the particulars of all remittances made to each principal or received from each principal including the date, amount and the mode of remittance.

R.26(6)(b) Every such agent shall also furnish to the assessing authority concerned on or before the 25th of each month a statement showing the turnover of purchases or sales effected on behalf of each principal in the previous month containing the following particulars:-

- (i) Name and full address of the principal.
- (ii) Names of goods bought or sold, liable to different rates of tax
- (iii) Turnover of goods liable to different rates of tax
- (iv) Rate of tax
- (v) Amount of tax due on the turnover
- (vi) Amount of tax paid
- (vii) Mode of payment of tax (cheques, cash etc)

Separate statement shall be furnished in respect of each principal

R.26(6-A)[...]

R26(7) Every dealer who sells goods to a purchasing agent shall keep particulars of the name and address of the purchasing principal on whose behalf the agent buys.

R.26(8) Every purchasing agent shall keep particulars of the names and addresses of dealers or persons from whom they purchases the goods and the selling agent shall keep particulars of the names and addresses of dealers or persons to whom they sold the goods.

R.26(9) Every wholesale dealer, importer and manufacturer shall maintain:-

R.26(9)(i) Separate stock accounts of goods dealt in by him in his own name; and

R.26(9)(ii) Stock accounts of goods dealt in by him as agent separately for each principal so as to enable identification of the goods of the different principals at any given time.

R.26(10) Every agent of a non-resident dealer and every casual trader shall issue a bill or cash memorandum in respect of every sale, every dealer in goods which are [liable to tax at a single point or at more than one point in the series of sale] shall issue a bill or cash memorandum in respect of every sale of such goods. Every other dealer who has not opted to pay tax under ³[sub-section (2) of section 3-D or sections 3-E or 7-E] of the Act shall issue a bill or cash memorandum ¹[in respect of every sale involving an amount of rupees twenty or more made by him] and in every other case if the buyer demands it ²[and every such bill or cash memorandum shall clearly indicate the rate or rates at which the tax is collected];

Provided that every dealer who collects any amount by way of tax or purporting to be tax on any sale, shall issue a bill or cash memorandum in respect of such sale whatever be the quantum of the amount of the bill or cash memorandum.

R.26(10-A) Whenever any person employed by any of the dealers specified in sub-rule (10) effects a sale, such person shall issue a bill or cash memorandum in the same manner as the dealer in whose employment he is, is liable to issue under sub-rule (10).

R.26(11) Every such bill or cash memorandum shall bear the registration certificate number of the seller, the selling price and sufficient details of the goods sold to enable their identity to be established and shall be duly signed and dated by the dealer or his authorised representative or the person effecting the sale. ¹[In the case of resale of goods, the quantitative particulars shall be expressed in every such bill or cash memorandum in terms of the same units (weight, volume, number etc.) as are specified in the purchase bills relating to such goods].²[...] every such bill or cash memorandum shall also specify the name and full address of the purchaser with his registration certificate number, if any, in case he is a dealer.

R.26(12) Every such bill or cash memorandum shall bear a continuous serial number commencing from one machine numbered and each series of bills or cash memorandum shall be distinguished by one or more of the alphabets. Every such bill or cash memorandum [shall be prepared in duplicate or more numbers of copies using double side carbon, for writing all copies of such bills, out of which the duplicate or the last copy as the case may be, shall be retained in the bill book itself by the dealer] for check by the officials of the Commercial Taxes Department.

Provided that separate series of bills or cash memorandum with distinguishing features for each such series may be issued in respect of sales by different branches or departments of the same dealer subject to the condition that no parallel or duplicate series

shall be issued simultaneously in respect of sales by the same branch or department, as the case may be.

R.26(12-A) Every dealer or his authorised representative purchasing goods [...] shall furnish to the selling dealer his (the dealer's) name and full address with his registration certificate number, if any,

R.26(13) Every dealer in goods liable to single point tax at the first stage of sale or purchase, shall furnish a certificate in the bill or cash memorandum in Form XXI.

R.26(13-A) Every dealer in goods falling under the Sixth Schedule shall furnish the certificate(s), as applicable to each of them in the bill or cash memorandum in Form XXI-AA.

R.26(14) Every producer or manufacturer (other than a manufacturer of jewelry) shall maintain, in addition to the other accounts maintained in the usual course of his business and in accordance with the other sub-rules, an account in Form XXX showing the production-cum-stock particulars of the raw materials used and the finished products manufactured by him.

Provided that a producer or manufacturer may maintain a production-cum-stock account in any other form so long as it contains all the substantial information that is required in Form XXX prescribed in this sub-rule.

R.26(14-A) The manufacturers of jewellery shall maintain, in addition to the other accounts maintained in the usual course of business and in accordance with the other sub-rules, an order book showing the particulars of name and address of customer placing the order, date of placing the order, weight of bullion or old jewel supplied by the customer, date of delivery of the finished jewel made to order and the weight of the manufactured jewel and weight of bullion added by the manufacturer out of his stock in Form XXII.

R.26(15) Every dealer who is required to maintain stock accounts shall maintain subsidiary accounts for each godown if there is more than one godown for keeping his stocks.

R.26(15-A) [Commissioner of Commercial Taxes] may, by general or special order, exempt, subject to such conditions, if any, as may be specified in the order, any class of dealer or class of goods or both, from the provisions of sub-rules (9) and (14):

Provided that no order under this sub-rule shall be made unless the reasons for doing so are recorded in writing.

R.26(16) Accounts maintained by dealers together with all vouchers, relating to stocks, deliveries, purchases, output and sales for a year, shall be preserved by them for a period of five years from the date on which the assessment relating to that year had become final.

R.26(17) Every registered dealer shall keep at the place of business specified in the certificate of registration books of account for the current year. If more than one place of business in the State is specified in the certificate of registration, the books of account relating to each place of business for the current year shall be kept in the place of business concerned. He shall also ordinarily keep the books of account for the previous five years at such place or places as he may notify to the registering authority, provided that if the registered dealer decides to change the place or places so notified, he shall, before effecting such change, notify the same to the registering authority.

R.26(18) [Every dealer in lottery tickets] shall maintain in respect of all tickets liable to tax on the sales effected by him, in addition to the other accounts maintained in the usual course of his business or in accordance with the other provisions of these rules, a day-to-day sales-cum-stock account in Form XXX-A and a monthly account of all receipts and sales of lottery tickets, State-wise, in Form XXX-B:

R.26(19) [Every dealer in lottery tickets] shall maintain, in respect of all tickets not liable to tax on the sales effected by him, a daily account in Form XXX-C together with the purchase vouchers or bills containing the particulars prescribed in sub-rules (11) and (12) and the certificate in sub-rule (13).

R.26(20) All lottery tickets sold within the State of Tamil Nadu shall bear the seal of the authority competent to assess the respective first seller. Every dealer shall before he effects the sale of any tickets other than the tickets purchased from another registered dealer in the State, submit to the assessing authority the stock of such tickets together with a list giving the particulars of the name of the lottery, source of purchase, date of receipt of the tickets, their serial numbers and date of draw and get the tickets sealed by the assessing authority.

RULE 26-A. A registered dealer may, by an application in form XIV accompanied by proof of payment of a fee of Rs.500 (rupees five hundred only) seek clarification from the Commissioner of Commercial Taxes, Chennai, any point concerning the rate of tax under the Act on the goods specified in the application. The application fee shall be paid by means of a crossed banker's cheque in favor of State Bank of India or crossed demand draft or pay order of a bank drawn in favor of the Commissioner of Commercial Taxes, Chennai. The Commissioner of Commercial Taxes, Chennai, after careful examination of the details furnished in the application shall, pass an order clarifying the point concerning the rate of tax on the goods under the Act. For this purpose the Commissioner of Commercial Taxes may require the said dealer to produce a sample of such goods.

Appeals and Revision

RULE 27. (1) Subject to the provisions of section 31 and 31-A, any person aggrieved by any original order of an appropriate authority may appeal to the Appellate Assistant Commissioner or the ¹[Appellate Deputy Commissioner], as the case may be, having jurisdiction.

R.27(2) Every such appeal shall be in Form I and shall be verified in the manner specified therein. It shall be in duplicate and¹[shall be accompanied by two copies (one of which shall be the original or certified copy) of the order], appealed against in original or by a certified copy thereof unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority.

R.27(2-A) The appeal shall also be accompanied by a treasury receipt [or a money receipt issued by the department or a preliminary receipt or a demand draft or pay order of a Bank] in support of having paid the fee calculated at ¹[half-a-percent of the total amount of disputed tax, surcharge, additional surcharge, additional sales tax and penalty] subject to a minimum of rupees twenty five and a maximum of rupees fifty only.

R.27(3) The appeal may be sent to the appellate authority by post or may be presented to that authority or to such officer as the appellate authority may appoint in this behalf, by the appellant or by any person authorised to represent him in accordance with the provisions of section 52.

R.27(4) If the [Appellate Authority] finds any defects or omissions in the appeal, he shall return the appeal for rectification of the defects or for supplying the omissions and re-presentation within ten days from the date of receipt by the appellant.

Provided that where the appeal is re-presented after the expiry of the period of ten days, the [Appellate Authority] may admit such appeal, if he is satisfied that the appellant had sufficient cause for not re-presenting the appeal within the said period.

R.27(5) The appellate authority shall, after giving the appellant reasonable opportunity of being heard, pass such orders on the appeal as such authority thinks fit subject to the provisions of sub-section (3) of section 31, [or sub-section (3) of section 31-A, as the case may be.]

R27(6) The order of transfer of appeals issued by ¹[the Chairman of the Appellate Tribunal under Section 34-A, shall be communicated to the appellant, to every other party affected by the order, to the authority against whose order the appeal was preferred and also ²[the Appellate Assistant Commissioner or the Appellate Deputy Commissioner] having jurisdiction].

RULE 27-A. (1) As soon as may be, after the registration of appeal,¹[the Appellate Assistant Commissioner or the Appellate Deputy Commissioner] shall set a date of hearing and shall send an intimation thereof, to the Departmental Representative. A copy of the memorandum of appeal and the order appealed from, shall also be furnished to him. It shall be the duty of the Departmental Representative to obtain the records of the case from the assessing authority and transmit them to ¹[the Appellate Assistant Commissioner or the Appellate Deputy Commissioner.]

RULE 27-A. (2) On the date fixed for hearing or any other date to which the hearing may be adjourned, the appellant shall ordinarily be heard first in support of his appeal. The assessing authority or the Departmental Representative shall, if necessary, be

heard next and allowed to file a written statement where he considers that such a written statement is necessary and, in such cases, the appellant shall be entitled to reply.

RULE 28. (1) Every application under section 33 or section 35 shall be in Form II and shall be verified in the manner specified therein. It shall be in duplicate and shall be accompanied by the original order against which it is filed or by a certified copy thereof unless the omission to produce such order or copy is explained to the satisfaction of the revision authority.

R28(2) If the Deputy Commissioner or the [Joint Commissioner of Commercial Taxes] finds any defects or omissions in the revision petition, the Deputy Commissioner or the Joint Commissioner of Commercial Taxes] shall return the petition for rectification of the defects or for supplying the omissions and re-presentation within ten days from the date of receipt by the petitioner:

Provided that where the revision petition is re-presented after the expiry of the period of ten days, the Deputy Commissioner or the [Joint Commissioner of Commercial Taxes] may admit such petition, if he/ it is satisfied that the petitioner had sufficient cause for not re-presenting the revision within the said period.

RULE 28-A. If an appellant or a revision petitioner dies while the proceedings under [sections 31, 31-A,33 or 35], as the case may be, are pending and such proceedings cannot be proceeded with unless the legal representative of the appellant or the revision petitioner, as the case may be, is brought on record, the Appellant Assistant Commissioner [or the Appellant Deputy Commissioner or the Deputy Commissioner] or the [Joint Commissioner of Commercial Taxes] as the case may be, shall adjourn further proceedings to enable the legal representative of the deceased appellant or revision petitioner, as the case may be, to appear and apply for being made a party in the said proceedings. If the legal representative fails to do so within ninety days from the date on which the appellant or the revision petitioner dies, the appeal or the revision petition, as the case may be, shall abate as regards the deceased.

RULE 29. (1) (a) Every appeal under sub-section (1) or Memorandum of cross obligations under sub-section (1-A) of section 36 to Appellate Tribunal shall be in Form III and Form III-A, respectively, and shall be verified in the manner specified therein. The officer empowered under sub-section (1) of section 36 shall be the Deputy Commissioner concerned in respect of an order passed by the Appellate Assistant Commissioner under sub-section (3) of section 31 or by the Assistant Deputy Commissioner under sub-section (3) of section 31A;

R.29(1)(b) It shall be in quadruplicate and shall be accompanied by four copies (one of which shall be the original or an authenticated copy) of the order appealed against and also [four copies of the order of the assessing authority].

R.29(1)(c) [The appeal under sub-section (2) of section 36 shall also be accompanied by a treasury receipt] [or a money receipt issued by the department or a preliminary receipt or a demand draft or pay order of a Bank] in support having paid the

fee calculated at the rate of two per cent of the disputed tax and penalty subject to a minimum of rupees one hundred only and a maximum of rupees two thousand only

R.29(2)(a) Every application for review under section 36(6) to the Appellate Tribunal shall be preferred in Form IV and shall be verified in the manner specified therein. Where the application is preferred by the State, it shall be signed and verified in the manner aforesaid by the Deputy Commissioner concerned.

R.29(2)(b) It shall be in quadruplicate and shall be accompanied by four copies of the order of the Appellate Tribunal.

R.29(2)(c) It shall also, where it is preferred by the assessee, be accompanied by a treasury receipt on a money receipt issued by the department or a preliminary receipt or a demand draft or pay order of a Bank in support of having paid the fee calculated at the rate of two per cent of the disputed tax and penalty subject to a minimum of rupees one hundred only and a maximum of rupees two thousand only.

R.29(3) [...]

R.29(4) An enhancement petition ¹[or petition for restoration] under sub-section (3A) of section 36 shall be in ²[Form XXXIV] and shall be filed in quadruplicate by the assessing authority or his authorised representative.

RULE 30.(1)(a) Every appeal under section 37 (1) shall be in Form V and every petition under section 38(1) shall be in Form VI and shall be verified in the manner specified therein,

R.30(1)(b) The appeal or petition shall be accompanied by a certified copy of the order of the [Joint Commissioner of Commercial Taxes] or the Appellate Tribunal, as the case may be.

R.30(2)(a) Every application for review under section 37(7) to the [Special Appellate Tribunal] shall be in Form VII and every application for review under section 38(8) to the [Special Appellate Tribunal] shall be in Form VIII and shall be verified in the manner specified therein.

R.30(2)(b) It shall be preferred within one year from the date of communication of the order sought to be reviewed.

Rule 31(1). Where it is provided in the Act that an appellant (or an applicant in revision proceedings) shall furnish security in regard to the payment of tax, or fee or other amount, [the appellant (or applicant) or any person on his behalf shall furnish property security], along with a security bond in Form XIX or a bank guarantee in [Form XIX-C] as the authority before which the appeal or application is preferred may, in its discretion, direct. Where an appellant or an applicant in revision proceedings or any person on his behalf furnishes immovable property as security, he may in any town to which sub-section (f) of section 58 of the Transfer of Property Act, 1882 (Central Act IV of 1882) is applicable, mortgage such property to the Government by deposit of title

deeds. The security bond or bank guarantee, as the case may be, shall be filed in duplicate, the original of which shall bear appropriate adhesive non-judicial stamps or Court fee stamps. In case the appeal or revision is fully allowed or remanded in favor of the appellant / applicant, the security bond or the bank guarantee, as the case may be, shall be void and of no effect. Otherwise, it shall remain in full force and effect until the expiry of three months from the date of receipt of the appellate or revisional order by the appellant / applicant. The security bond shall thereafter be released by necessary endorsement on the original and returned to the appellant / applicant. The bank guarantee furnished shall become part and parcel of the records of the assessing and appellate or revisional authority and shall not be returned to the bankers or the appellant or the applicant. cancelled by the assessing authority and an advice of cancellation sent to the appellant / applicant / bankers after the expiry of three months from the date of receipt of the appellate or revision order by the appellant / applicant. If a security bond had been furnished, it shall be released by necessary endorsement on the original and returned to the appellant / applicant and if a Bank guarantee had been furnished, it shall be cancelled [by the assessing authority] and an advice of cancellation sent to the appellant / applicant / bankers, on request by the appellant after the disposal of the appeal or earlier, if sufficient proof is produced that the entire amount for which stay has been granted is fully paid.

Rule 31(2). Where the appellant / applicant furnishes the security referred to in sub-rule (1) or any other form of security referred to in sub-rule (15-A) of rule 24, he shall file the security bond or the bank guarantee or other security to the assessing authority concerned. [The appellant should obtain and file the duplicate copy of security bond with necessary endorsement of Assessing Officer in Form XIX for having executed the security or the duplicate copy of bank guarantee in Form XIX-C with necessary endorsement of the assessing officer for having filed the bank guarantee, before the appellate or revising authority].

Rule 32(1). Every order of an appellate or revising authority under [sections 31, 31-A, 33 or 35] as the case may be, shall be communicated to the appellant or petitioner, to every other party affected by the order, to the assessing authority against whose order the appeal was filed and also to any other authority concerned.

Rule 32(2). The order passed on appeal or revision shall be given effect to by the assessing authority who shall refund without interest within three months from the date of the communication of the order, any excess tax found to have been collected [and for this purpose shall serve upon the dealer a notice in Form C notifying the dealer of the adjustment of excess tax towards arrears, if any, or if there are no arrears of tax due under the Act from the dealer or if after such adjustment there is still an excess, the officer shall refund the amount of the excess tax and along with such notice, he shall also send to the dealer a voucher for claiming refund of that amount without interest from the treasury]. If any amount is found to be due from the dealer, the assessing authority shall serve upon the dealer a notice in [Form B-3] and the dealer shall pay the sum demanded in the manner specified in the notice.

Rule 32(3). Every order of the Deputy Commissioner under section 32 shall be communicated to the dealer concerned, every other person affected by the order and the assessing authority whose order was the subject matter of proceedings.

Rule 32(4). Every order of the Joint Commissioner of Commercial Taxes under section 34 shall be communicated to the dealer concerned, every other person affected by the order, the assessing authority who had assessed the dealer, and the Appellate Assistant Commissioner [or the Appellate Deputy Commissioner or the Deputy Commissioner] whose order was the subject matter of the proceedings.

Rule 32(5). An order to be communicated under this rule may be communicated –

- (1) by service on the person concerned or his authorised representative, or
- (2) by registered post acknowledgement due; or
- (3) by affixture at the last known place of business or residence, if service by the first two methods is not possible.

Rule 33. If the tax as determined in an appeal or revision is in excess of the power of assessment of the initial assessing authority, the appellate or revising authority shall transfer the original records of assessment to the appropriate assessing authority who shall have power to collect the tax due in the same manner as if it were a tax assessed by himself. The appropriate assessing authority shall serve upon the dealer a notice in [Form B-3] and the dealer shall pay the sum demanded in the manner specified in the notice.

Rule 34. Every order passed by the Appellate Tribunal or the ¹[Special Appellate Tribunal] shall, on authorisation by the appellate Tribunal or the ²[Special Appellate Tribunal], as the case may be, be given effect by the assessing authority, who shall refund without interest, within three months from the date of communication of the authorisation, any excess tax found to have been collected, ³[and for this purpose shall serve upon the dealer a notice in Form C notifying the dealer of the adjustment of excess tax towards arrears, if any, or if there are no arrears of tax due under the Act from the dealer, or if after such adjustment there is still an excess, the assessing ⁴[authority] shall refund the amount of the excess tax and along with such notice, he shall also send to the dealer a voucher for claiming refund of that amount without interest from the treasury]. If the amount is found to be due from the dealer, the assessing authority shall serve upon the dealer a notice in [Form B-3] and the dealer shall pay the sum demanded in the manner specified in the notice.

Rule 34-A(1) Qualification for appointment of chairmen – No person shall be qualified for appointment as Chairman of the Sales Tax Settlement Commission unless he -

- (i) is or has been, a Judge of High court; or

(ii) has been an officer of the Government not below the rank of Special commissioner and Secretary to Government, whether in Secretariat or elsewhere, for a period of not less than two years and has dealt with taxation matters during his service in the Government in any capacity, for a period of not less than two years in the aggregate;

R.34-A(2) Qualification for appointment of Member;- No person shall be qualified for appointment as members of the Sales Tax Settlement Commission unless he-

(i) has been an officer of the Government not below the rank of Commissioner and secretary to Government, whether in Secretariat or elsewhere for a period of not less than two years and has dealt with taxation matters during his service in the Government in any capacity, for a period of not less than two years in the aggregate; or

(ii) has been judicial member of Tamil Nadu Taxation Special Tribunal or chairman of the Tamil Nadu Sales Tax Appellate Tribunal.

Check Posts

Rule 35(1). The rule shall apply to goods transported in a goods vehicle or boat in pursuance of a sale or purchase, or otherwise mentioned in sub-section (3) of section 40 and through a check-post or barrier mentioned in sub-section (1) of section 42 or through any other place at which the officer referred to in sub-rule (2) requires the goods vehicle or boat to be stopped.

Rule 35(2). For purposes of sub-section(2) of section 42, section 43 or section 44, the officer empowered shall be an officer of the Commercial Taxes Department not below the rank of an Assistant Commercial Tax Officer.

Rule 35(3). In this rule, the expression ‘officer’ shall mean the officer in-charge of the check-post or barrier or the officer referred to in sub-rule (2) as the case may be.

Rule 35(4). For purposes of clause (b) of sub-section (3) of section 42,[the driver or other person in-charge of the goods vehicle or boat, shall furnish proper security, as the officer shall direct]. The security bond shall be in Form XIX-A with suitable modifications wherever necessary.

Rule 35(5). For purposes of [sub-section (3) of section 40] and sub-sections (2), (3) and (5) of section 42, the following shall be the documents so far as they are applicable to the case –

Rule 35(5)(1). A bill of sale or a delivery note in the form prescribed (Form XX or XX-A) and a goods vehicle record or trip sheet or logbook.

Rule 35(5)(2). A certificate from the Village Administrative Officer when the goods under transport are claimed to be agricultural produce (other than sugarcane) grown in his own land or on a land in which he has interest or declaration in Form XX-B signed by the agriculturist and by the registered dealer to whom the agricultural produce is transported.

Rule 35(5)(2-A). A certificate from the Cane Inspector (Assistant Director of Agriculture) when the goods under transport are claimed to be sugarcane grown in his own land or on a land in which he has interest or declaration in Form XX-B signed by the agriculturist and by the registered dealer to whom the agricultural produce is transported.

R.35(5)(3)[.....]

Rule 35(5)(4). A declaration in Form XXVII when the goods are transported from one place of his business to another.

Rule 35(5)(5). A declaration in Form XXVIII when the goods are transported towards the execution of works contracts, which he is obliged to fulfil.

Rule 35(6)(i). If the amount of tax due directed to be paid is paid, the officer shall issue a receipt in the name of the person liable to pay tax specifying also the name and status of the person making such payment.

Rule 35(6)(ii). On receipt of the payment of the amount, the said officer shall allow the vehicle or boat to pass.

Rule 35(6)(iii). The said officer shall intimate the details of such collection to the concerned assessing authority within three days of such collection in Form XXIX. The original will be retained for his record, the duplicate forwarded to the assessing authority concerned and the triplicate marked to the [Territorial Assistant Commissioner] of the district.

Rule 35(7). A copy of the order of detention of the goods made in circumstances mentioned in sub-section (8) of section 42 shall be served on the driver of the vehicle or the boat or other person in charge of the goods.

Rule 35(8). The officer shall make necessary arrangements for the safe custody of the detained goods either in the check-post or elsewhere. Goods subject to speedy and natural decay shall be sold in open auction by the officer within a reasonable period and the sale proceeds thereof remitted into the Government Treasury.

Rule 35(9). The owner of the goods ordered to be detained may pay the amount ordered to be paid within a period of one month from the date of the order and, on such payment, the officer shall order the release of the goods. Thereupon, the office shall follow the procedure laid down in sub-rule (6).

Rule 35(10). The amount paid under sub-rule (6) or (9) shall, on application by the consignor or by the consignee, be either adjusted towards the tax due from him or be refunded to him if he is found not liable to tax.

When the consignor or the consignee, as the case may be, wishes to have the amount adjusted towards the tax due from him he shall send an application and the receipt for payment along with the return due from him under these rules. When he wishes to claim refund of the amount, the application shall be made to the assessing authority having jurisdiction over the place of business in the case of an assessee or over the place of residence in the case of others within 30 days from the date on which the amount was paid.

Rule 35(11). Goods ordered to be detained which have not been released under this rule shall be sold in public auction after following the procedure laid down below.

Rule 35(12)(i). The officer shall cause to be published in the notice board of his office, a list of the goods detained and intended for sale with a notice under his signature, specifying the place where, and the day and the hour at which the detained goods will be sold and shall display the copies of such list and notice in more than one public place near the check-post or the barrier or other place where the goods were detained. Copies of the list and notice shall be displayed in the office of the [Territorial Assistant Commissioner] and the Assessing Officer having jurisdiction over the area where the check-post or barrier or other place where the goods were detained is situated. Normally, a notice of 15 days shall be given before the auction is conducted.

Rule 35(12)(ii). If the officer is an officer below the rank of a Deputy Commercial Tax Officer, the sale shall be conducted by an officer not below the rank of a Deputy Commercial Tax Officer having jurisdiction. Intending bidders shall deposit as earnest money a sum amounting to five per cent of the estimated value of the goods.

Rule 35(12)(iii). At the appointed time, the goods shall be put up in one or more lots, as the officer conducting the auction sale may consider advisable, and shall be knocked down in favour of the highest bidder, subject to the confirmation of the sale by The Assistant Commercial Tax Officer (Enforcement)] concerned, where the value of the goods auctioned does not exceed Rs.1,000 and by the Deputy Commissioner in other cases.

Rule 35(12)(iv). The auction purchaser shall pay the sale value of the goods in cash immediately after the sale and he will not be permitted to carry away any part of the goods until he has paid for the same in full and until the sale has been confirmed by the appropriate authority mentioned in sub-rule 12(iii). Where the purchaser fails to pay the purchase money, the goods shall be sold by auction at once and earnest money deposited by the defaulting bidder shall be forfeited to the Government. The earnest money deposited by the unsuccessful bidders shall be refunded to them immediately after the auction is over.

Rule 35(13). The sale proceeds shall be remitted into the Government Treasury as Revenue Deposit.

Rule 35(14). If any order directing detention is reversed on appeal or revision, the goods so detained, if they have not been sold before such reversal comes to the knowledge of the officer conducting the sale, shall be released or if they have been sold, the proceeds thereof shall be paid to the owner of the goods. The charges, if any, incurred for the period of detention towards rent, hire, or wharfage, as the case may be, when the goods have not been sold, shall be a charge on the goods and shall be recovered from the owner of the goods, before the release of the goods or payment in lieu thereof, as the case may be, to him.

Rule 35(15). Any person from whom the tax is due under section 42, shall, on application to the officer who conducted the sale, and upon sufficient proof, be paid the sale proceeds mentioned in sub-rule (12)(iv) after deducting the expenses of sale and other incidental charges and the amount of tax due.

Rule 35(16). The above procedure will apply *mutatis mutandis* in respect of orders directing refunds or revision or appeal.

Rule 35(17). In all proceedings initiated against the driver or person in-charge of the goods vehicle or boat, the name of the consignee and consignor, if known shall be associated.

Rule 35-A(1). When the goods are moved for export or are transported after clearance from a seaport, the clearing or forwarding agent, as the case may be, notwithstanding that such agent is not a dealer registered under the Act or any other person in-charge of the goods vehicle or boat, who, on behalf of such agent transports the goods, shall carry with him the following documents in respect of the goods carried in the goods vehicle or boat, namely –

- I. A trip sheet, or log book, as the case may be;
- II. A bill of sale or delivery note in Form XX-A; and
- III. (A) In the case of goods moved for export --
 - (a) If the purchases are made in the State, –
 - (i) sale invoice; and
 - (ii) letter from the exporter specifying the name of the port of export, name of the ship and its probable dates of arrival and departure from the port, or
 - (b) If the purchases are made outside the State of Tamil Nadu,–
 - (i) purchase invoice for the goods purchased; and
 - (ii) letter from the clearing or forwarding agent addressed to the shipping agent or export agent specifically mentioning the actual quantity and value of

the goods consigned for export and the name of the firm outside the State on whose behalf the goods are purchased for export; or

(B) In the case of imported goods, –

(i) copy of the foreign invoice with the bill of entry;

(ii) letter from the importer or clearing or forwarding agent to the consignee, specifically mentioning the description of the goods imported; and

(iii) records showing the value of the goods imported.

Rule 35-A(2). The delivery note in Form XX-A shall be obtained from the assessing authority or the registering authority, as the case may be.

Rule 35-A(3). The clearing or forwarding agent or other person in-charge of the goods vehicle or boat shall, within 48 hours after the goods are delivered submit to the [Territorial Assistant Commissioner] having jurisdiction over the area in which the goods are delivered, copies of goods vehicle records, trip sheet or log book, as the case may be, bill of sale or delivery note and also records mentioned in item III in sub-rule (1).

Rule 35-B(1). The owner or other person in-charge of the goods vehicle carrying the goods specified in the Seventh Schedule, or the consignor or transferor of the goods specified in the Seventh Schedule, as the case may be, shall, apply for transit pass, in Form XXXVI, in triplicate to the officer in-charge of the first check-post or barrier, or to the assessing authority who is the head of the assessment circle, having jurisdiction over the place from where the goods are consigned or transferred, and in the absence of head of assessment circle, any other assessing authority of that assessment circle authorised by the Territorial Assistant Commissioner having jurisdiction, as the case may be.

Rule 35-B(2). The officer in-charge of the check-post or barrier referred to in sub-section (1) of section 44-A or the assessing authority referred to in clause (a) of sub-section (2) of section 44-A, as the case may be, shall, after examining the application and after making such enquiries as it deems necessary, issue the transit pass in Form XXXVI. The officer in-charge of the check-post or barrier or the assessing authority specified in sub-rule (1) above, shall retain the original with himself or itself, as the case may be, and give two copies to the owner or other person in-charge of the goods vehicle or the consignor or transferor of goods.

Rule 35-B(3). The officer in-charge of the check-post or barrier or the assessing authority specified in sub-rule (1) above, as the case may be, shall specify the time within which the goods vehicle has to cross the last check-post. The maximum time to be so fixed shall be twenty four hours upto a distance of three hundred kilometers from first check-post to the last check-post; forty eight hours for a distance exceeding three hundred kilometers but not exceeding six hundred kilometers from the first check-post to the last

check-post; and seventy two hours for a distance exceeding six hundred kilometers from first check-post to the last check-post.

Rule 35-B(4). The owner or other person in-charge of the goods vehicle or consignor or transferor of goods, as the case may be, shall deliver or cause to be delivered the duplicate copy of the transit pass to the officer in-charge of the last check-post or barrier and allow him to inspect the documents and goods in order to ensure that the goods being taken out of the State are the same for which the transit pass has been obtained. The officer in-charge of the last check-post shall acknowledge the receipt of the transit pass on the triplicate copy of the transit pass available with the owner or the other person in-charge of the goods vehicle or the consignor or the transferor of the goods as the case may be.

Rule 35-B(5). The officer in-charge of the last check-post or barrier shall have powers to unload and search the contents of the goods vehicle to ensure that the goods being moved out of the State are the same for which the transit pass is issued.

Rule 35-B(6). The officer in-charge of the last check-post or barrier shall intimate the delivery of transit pass to the officer in-charge of the first check-post or barrier or the assessing authority, specified in sub-rule (1) above who issued the transit pass, indicating the variation, if any, noticed between the quantity or description of goods mentioned in the application and the goods carried actually by the goods vehicle.

Rule 35-B(7). If for any reason, the vehicle after its entry into the State is not able to move out of the State within the time specified in the transit pass, for the reasons beyond the control of the owner or other person in-charge of the goods vehicle, such person shall, seek extension of time from –

- (a) the officer who issued the transit pass; or
- (b) any officer empowered to issue that transit pass; or
- (c) the assessing authority of the area where the vehicle is stationed at the time of seeking extension of time;

The officer specified in this sub-rule shall after examining the reasons for delay and after making such enquiry, as he deems fit, extend the time limit specified in the transit pass.

Rule 36(1)(i). For the purpose of sections 43 and 44, the owner or other person in-charge of a goods vehicle or boat shall carry with him a goods vehicle record, a trip sheet or a log book, as the case may be, and a bill of sale or a delivery note in Form XX¹[or XX-A] in respect of the goods carried in the goods vehicle or boat. Such delivery note shall be necessary in respect of goods transported by dealers registered under the Act without a bill of sale and shall be obtained from the assessing authority or the registering authority, as the case may be.

Rule 36(1)(ii). The owner or other persons in-charge of a goods vehicle or boat shall carry with him the following documents so far as they are applicable to the case, namely,

Rule 36(1)(ii)(1). A bill of sale or a delivery note in the form prescribed (Form XX or XX-A) and a goods vehicle record or trip sheet or log book.

Rule 36(1)(ii)(2) A certificate from the Village Administrative Officer when the goods under transport are claimed to be agricultural produce (other than sugarcane) grown in his own land or on a land in which he has interest or declaration in Form XX-B signed by the agriculturist and by the registered dealer to whom the agricultural produce is transported.

Rule 36(1)(ii)(2-A). A certificate from the Cane Inspector (Assistant Director of Agriculture) when the goods under transport are claimed to be sugarcane grown in his own land or on a land in which he has interest or declaration in Form XX-B signed by the agriculturist and by the registered dealer to whom the agricultural produce is transported.

Rule 36(1)(ii)(3). (omitted) [.....]

Rule 36(1)(ii)(4). A declaration in Form XXVII when the goods are transported from one place of his business to another.

Rule 36(1)(ii)(5). A declaration in Form XXVIII when the goods are transported towards the execution of works contracts which he is obliged to fulfil.

Rule 36(2). [The bill of sale or delivery note or the certificate of declaration, as the case may be, in respect of the goods carried in the goods vehicle or boat shall be in triplicate, one copy of which shall be submitted to the officer in-charge of the first check-post or barrier, the second copy to such officer in the last check-post or barrier through which the goods vehicle or boat may pass and the third copy shall be retained by the owner or other person in-charge of the goods vehicle or boat]. In the case of goods vehicle or boat which has not passed through any check-post, the owner or other person in-charge of the goods vehicle or boat shall, within seven days after the goods are delivered, submit to the [Territorial Assistant Commissioner] having jurisdiction over the area in which the goods are delivered, copies of goods vehicle record, trip sheet or log book as the case may be, and also the bill of sale or delivery note which accompanies the goods, and other relevant documents, or in case the goods are delivered outside the State, to the [Territorial Assistant Commissioner] having jurisdiction over the area from which the goods were consigned.

Rule 36-A. For the purpose of section 41-A, the officer empowered shall be an officer of the Commercial Taxes Department not below the rank of an Assistant Commercial Tax Officer.

Rule 36-B. For the purpose of section 41-A, the carrier or bailee shall produce the documents prescribed in rules 35,35-A or 36 as the case may be, in so far as they are applicable to the goods.

Rule 36-C. The declaration referred to in section 41-A shall be in Form XXXII and shall be furnished to the inspecting officer on demand in respect of such goods for which the declaration may be demanded.

Rule 37(1). Every book of Form XX or XX-A obtained from the assessing authority or registering authority, as the case may be, by the dealer or the clearing or forwarding agent shall be kept by him in safe custody and he shall be personally responsible for the loss, destruction or theft of any such form or the loss of revenue to Government, if any, resulting directly or indirectly from such loss, destruction or theft.

Rule 37(2). Every dealer or clearing or forwarding agent to whom any delivery note in Form XX or XX-A is issued by the assessing authority or registering authority, as the case may be, shall maintain a register in Form XXIV, a true and complete account of every such form. If any such form is lost, destroyed or stolen, the dealer or the clearing or forwarding agent shall report the fact to the assessing authority or registering authority, as the case may be, within a week of such loss, destruction or theft, shall make appropriate entries in the remarks column of the said register and take such steps to issue public notice of the loss, destruction or theft as the assessing authority or registering authority, as the case may be, may direct.

Rule 37(3). Any unused delivery note in Form XX or XX-A remaining in stock with a dealer or clearing or forwarding agent shall be surrendered to the assessing authority or registering authority, as the case may be, within thirty days of the discontinuance of the business by the dealer or cancellation of his certificate of registration.

Rule 37(4). No dealer or clearing or forwarding agent to whom a book of Form XX or XX-A is issued by the assessing authority or registering authority, shall be either directly or through any other person, transfer the same to another person.

Rule 37(5). A delivery note in respect of which a report has been received by the assessing authority or registering authority, as the case may be, under sub-rule (2), shall not be valid for the purpose of sub-rule (5) of rule 35 and clauses (I) and (ii) of sub-rule (1) of rule 36 or for the purpose of sub-rule (1) of rule 35-A, as the case may be.

Rule 37(6). The Deputy Commissioner shall, from time to time, publish in the Tamil Nadu Government Gazette, the particulars of the delivery note in form XX or XX-A in respect of which a report has been received under sub-rule (2).

Rule 38. (omitted)[.....]

Rule 39(1). Where any officer duly authorized under section 41 of the Act conducts search of any office, shop, place of business-*cum*-residence, godown, vessel, vehicle or any other place of business or any premises or place where he has reason to believe that the dealer keeps or is for the time being keeping any accounts or registers, records or other documents of his business, he shall, as far as may be, follow the procedure prescribed in the Code of Criminal Procedure 1898 (Central Act V of 1898).

Rule 39(2). If on search, such officer finds any accounts, registers, records or other documents which he has reason to believe to relate to any evasion of tax or other fee due from the dealer under the Act, he may, for reasons to be recorded in writing, seize such accounts, registers, records or other documents and shall give the dealer a receipt for the same. The accounts and registers so seized shall not be retained by such officer for more than thirty days at a time without the permission of the next higher authority.

Miscellaneous

Rule 40. Every firm or company consisting of partners shall, at the time of submitting the application for registration under section 21 of the Act and every registered dealer entering into or forming a new partnership in regard to his business shall, within thirty days of such event happening, send to the registering authority and to the assessing authority if he is different from the registering authority and if the firm, company or registered dealer has more than one place of business also to the [Commercial Tax Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the firm or company or registered dealer has a place of business, a declaration in Form IX signed by all the partners stating the names and addresses of all the partners and their respective shares in the business. If a partner retires without the partnership being dissolved thereby he shall send to the registering authority and to the assessing authority if he is different from the registering authority and if the firm, company or registered dealer as more than one place of business, also to the [Commercial Tax Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the firm, company or registered dealer has a place of business, a declaration in Form X within thirty days of his retirement. Every partner shall be jointly and severally responsible for the payment of the tax, fee or other amount leviable under the Act.

Rule 41. When a registered dealer dies, his executor, administrator or other legal representative shall within thirty days of his taking charge as such executor, administrator, or other legal representative send a report of his having done so to the registering authority and to the assessing authority if he is different from the registering authority, and if the registered dealer has more than one place of business, also to the [Commercial Tax Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the dealer has a place of business.

Rule 42. If a partnership is dissolved, every person who was a partner at the time of dissolution shall send within thirty days of such dissolution to the registering authority and to the assessing authority if he is different from the registering authority and if the registered dealer has more than one place of business, also to the [Commercial Tax

Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the registered dealer has a place of business.

Rule 43. If at any time a registered dealer –

(a) discontinues or sells or otherwise disposes of, the whole or any part of business carried by him, or

(b) changes his place of business or any of his places of business, or

(c) opens a new place of business, or

(d) changes the name of any business carried on by him,

he shall notify the fact to the registering authority and to the assessing authority if he is different from the registering authority, and if the registered dealer has more than one place of business, also to the [Commercial Tax Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the registered dealer has a place of business, within thirty days thereafter.

Rule 44. In the case of any guardian, trustee, or agent of any minor or other incapacitated person carrying on a business on behalf of and for the benefit of such minor or other incapacitated person, the tax shall be levied upon and recoverable from such guardian, trustee or agent, as the case may be, in like manner and to the same extent it would be liable upon and recoverable from any such minor or other incapacitated person, if he were of full age or sound mind and if he were conducting the business himself, and all the provisions of the Act and rules made thereunder shall apply accordingly.

Rule 45. Every dealer who is liable to registration under section 20 of the Act and who is an undivided Hindu family, an association or a club, society, firm or company or who carries on business as the guardian, or trustee or otherwise on behalf of another person, shall, within the period specified in rule 24, send to the registering authority and to the assessing authority if he is different from the registering authority and if the dealer has more than one place of business, also to the [Commercial Tax Officer] or the Deputy Commercial Tax Officer in whose area of jurisdiction the dealer has a place of business, a declaration in Form XI stating the name of the person who shall be deemed to be the manager of such dealer's business for the purposes of this Act. All statements and returns submitted by the manager shall be binding on the dealer. Such declaration may be revised from time to time.

Rule 46. In the case of business owned by a registered dealer whose estate or any portion of whose estate is under the control of the Court of Wards, the Administrator-General, the Official Trustee or any Receiver or Manager (including any person, whatever be his designation), who in fact manages the business on behalf of the registered dealer appointed by, or under any order of a Court, the tax shall be levied upon and recoverable from such Court of Wards, Administrator-General, Official Trustee,

Receiver or Manager or like manner and on the same terms as it would be leviable upon and recoverable from the registered dealer if he were conducting the business himself, and all the provisions of the Act and rules made thereunder shall apply accordingly.

Rule 47. Any officer of the Commercial Taxes Department not lower in rank than an Assistant Commercial Tax Officer may issue summons for the production of a document or the appearance of any person in Form XII.

Rule 47-A. Where a person to whom a notice under section 26 is served objects to it by a statement under sub-section (5) of section 26, such statement shall be in Form XII-A.

Rule 48. A person other than the assessee or his agent or representative appearing before an officer of the Commercial Taxes Department not lower in rank than an Assistant Commercial Tax Officer or before an appellate or revised authority in complaints with a summons in Form XII to give evidence or to produce documents in an enquiry under the Act or the rules made there under shall be paid traveling allowance and batta and such rates as may be fixed by the State Government from time to time.

Rule 48-A. The Government may, in the public interest or to mitigate hardship to the trade remit the whole or any part of the tax or penalty or fee payable in respect of any period by any dealer under sub-section (4) of section 17 of the Act subject to the condition that in respect of remission of tax the dealer had not collected sales tax on the turnover in respect of that period for which remission is sought to be granted.

Rule 48-B. Every dealer referred to in item (vi) or in item (viii) of clause (g) of section 2 shall intimate the assessing authority having jurisdiction over the place of business, the details of contract of lease entered into, within sixty days from the date of contract of agreement. Every such intimation shall be in XXXV.

Appearance by authorized representative

Rule 49. The person specified in clauses (a) and (c) of section 52 of the Act appearing on behalf of a dealer or other person in any proceedings before any sales tax authority other than [Special Appellate Tribunal] shall file before such authority an authorization given by the dealer or such person in Form XIII.[....]

Rule 50(i). An Accountant appearing under clause (c) of section 52 shall be a Chartered Accountant as defined in the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949) or Cost Accountant as defined in the Cost and Works Accountants Act, 1959 (Central Act 23 of 1959).

Rule 50(ii). A person shall not be eligible to appear as a Sales Tax Practitioner under clause (c) of section 52 of the Act unless his name has been included in the list in Form XVI in the manner provided in sub-rule (v) and unless he is a person –

Rule 50(ii) (a). who has passed an Accountancy Examination recognised by the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (Central Act IV of 1924), for the purpose of clause (v) of sub-section (2) of section 288 of the Income Tax Act, 1961 (Central Act 43 of 1961), namely: –

Rule 50(ii)(a)(1). The National Diploma in Commerce awarded by the All India Council for Technical Education, New Delhi, provided that the Diploma holder has taken advanced Accountancy and Auditing as an elective subject for the Diploma Examination.

Rule 50(ii)(a)(2). Government Diploma in Company Secretaryship awarded by the Department of Company Affairs under the Ministry of Industrial Development and Company Affairs, New Delhi.

Rule 50(ii)(a)(3). Final Examination of the Institute of Company Secretaries of India, New Delhi.

Rule 50(ii)(a)(4). The Final Examination of the Institute of Cost and Works Accountants of India Constituted under the Cost and Works Accountants Act, 1959 (23 of 1959), or

Rule 50(ii)(b). who has acquired a degree in Commerce, ¹[Corporate Secretaryship], Law, Economics or Banking including Higher Auditing ²[or Business Administration] ³[or Business Management] conferred by any of the following Universities: –

I. Indian Universities --

An Indian University incorporated by any law for the time being in force.

II. Rangoon University.

III. English and Welsh Universities –

The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales.

IV. Scottish Universities –

The Universities of Aberdeen, Edinburgh, Glasgow and St.Andrews.

V. Irish University –

The Universities of Dublin (Trinity College and the Queen’s University, Belfast)

VI. Pakistan Universities –

Any Pakistan University incorporated by any law for the time being in force.

VII. Tribhuvan University, Kathmandu, or

Rule 50(ii)(c). who had practiced as Sales Tax Practitioner before any assessing or revising or appellate authority in this State at any time during the period of two years immediately preceding the 8th October, 1956:

Provided that persons possessing qualifications under clause (c) shall be eligible for registration as Sales Tax Practitioners only if they apply for such registration on or before the 30th June 1976.

Rule 50(ii)(d). who has retired from the Tamil Nadu Commercial Taxes Department and had been, at any time during his service in the Department, an assessing authority.

Rule 50(ii-A). Notwithstanding anything contained in sub-rule (ii) no person who was formerly employed in the Tamil Nadu Commercial Taxes Department and has retired or resigned from such employment, shall be eligible for a period of two years from the date of retirement or from the date of acceptance of the resignation, as the case may be, to appear on behalf of a dealer or other person under clause (a) and as Sales Tax Practitioner under clause (c) of section 52 except before the Sales Tax Appellate Tribunal, [and the Commissioner of Commercial Taxes]:

Provided that in any exceptional case of a retired officer of the Tamil Nadu Commercial Taxes Department, the Government may relax the above condition, for reasons to be recording in writing

Rule 50(ii-B). No person –

- (a) who has been dismissed or removed from Government service; or
- (b) who has been convicted for an offence under the Act; or
- (c) who has become an insolvent,

shall be eligible to appear as a Sales Tax Practitioner under clause (c) of section 52 of the Act.

(1) for all times in the case of a person referred to in sub-clause (a);

(2) for such time as the Deputy Commissioner may by order determine in the case of a person referred to in sub-clause (b); and

(3) for the period during which the insolvency continues in the case of a person referred to in sub-clause (c).

Rule 50(iii)(a). If any Sales Tax Practitioner is found guilty of misconduct in connection with any sales tax proceedings by the Deputy Commissioner of Commercial Taxes having jurisdiction or by the Appellate Tribunal, the Deputy Commissioner of Commercial Taxes or the Appellate Tribunal, may direct that he shall be hence forward

disqualified to represent any person under section 52 of the Act, either permanently or for a specified period:

Provided that no such direction shall be made in respect of any Sales Tax Practitioner unless he is given a reasonable opportunity of being heard;

Rule 50(iii)(aa). If any Sales Tax Practitioner is found guilty of any misconduct which is detrimental to the interests of the Revenue, the Deputy Commissioner of Commercial Taxes having jurisdiction may direct that he shall be thenceforth disqualified permanently to represent any person under section 52.

Rule 50(iii)(b). any Sales Tax Practitioner against whom such direction is made by the Deputy Commissioner of Commercial Taxes may, within one month of the receipt by him of the orders containing such direction, appeal to [the Commissioner of Commercial Taxes] to have the direction cancelled.

Rule 50(iii)(c). any Sales Tax Practitioner against whom such direction is made by the Appellate Tribunal, may within one month of the receipt by him of the orders containing such direction appeal to the High Court to have the direction cancelled.

Rule 50(iv). The Deputy Commissioner shall maintain a list in Form XVI containing the names of all Sales Tax Practitioner who possess any of the qualifications prescribed in sub-rule (ii) and every Sales Tax Practitioner possessing any such qualifications shall be entitled to have his name entered in the said list on an application in Form XV made by him in that behalf to the Deputy Commissioner of Commercial Taxes having jurisdiction. The name of any such practitioner against whom a direction is made under sub-rule (iii) shall be removed from the list, provided that the Deputy Commissioner of Commercial Taxes shall re-enter his name in the list if on an appeal made by him to the [Commissioner of Commercial Taxes] or to the High Court under proviso (b) or (c) to the said-rule as the case may be, such direction is cancelled.

The Deputy Commissioner of Commercial Taxes shall also upon any information received or otherwise effect such amendments in the list as may be necessary from time to time by reason of any change of address or death of any practitioner whose name is entered therein or if any practitioner requests the removal of his name from the list or for any other cause the Deputy Commissioner of Commercial Taxes shall delete the relevant entry in the list accordingly.

Rule 50(v). Any person, whose application to the Deputy Commissioner to have his name entered or re-entered in the list of Sales Tax Practitioner maintained by the Deputy Commissioner has been rejected, may, within one month of the receipt by him of the orders containing such rejection, appeal against such order to the [Commissioner of Commercial Taxes]:

Provided that the Commissioner of Commercial Taxes may admit an appeal presented after the expiration of the said period, if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

Rule 51. Authorisation of representative and appointment of legal practitioner. – An authorisation given by any person under rule 49 or an appointment of a legal practitioner by such person to represent him in any proceedings before my Sales Tax authority, other than the [Special Appellate Tribunal] [shall be valid only for the purpose of appearance before such authority or] until it is cancelled in writing by the person who gave the authorisation or made the appointment of the legal practitioner:

Provided that when the said person desires to cancel the appointment of the legal practitioner or the authorisation of the Chartered Accountant or the Sales Tax Practitioner in the course of the proceedings before any such Sales Tax Authority, he may do so with the consent of the legal practitioner, Chartered Accountant or the Sales Tax Practitioner already on record or when such consent is refused, with the permission of the Sales Tax Authority.

Rule 52(1). Service of notices – The service on a dealer of any notice, summons or order under the Act or these rules may be effected in any of the following ways, namely: –

Rule 52(1)(a). by giving or tendering it to such dealer or his manager or agent or the legal practitioner appointed to represent him or to his authorised representative, or

Explanation.- Endorsement by person who delivers the notice, etc., of having tendered or given it will be proof for the purpose of this sub-rule.

Rule 52(1)(b). if such dealer or his manager or agent or the legal practitioner appointed to represent him, or his authorised representative is not found, by giving or tendering it to any adult member of his family;

Rule 52(1)(c). if the address of such dealer is known to the assessing authority, by sending it to him by registered post; or

Rule 52(1)(d). if none of the modes aforesaid is practicable, by affixing it in some conspicuous place at his last known place of business or residence.

Rule 52(2). Where any Hindu undivided family, firm or other association of persons is partitioned, dissolved or discontinued, notice, summons or orders issued under the Act or these rules may be served on any member of the Hindu undivided family, any person who was a partner (not being a minor) or member of the association, as the case may be, immediately before such partition, dissolution or discontinuance.

Rule 53. The Assistant Commercial Tax Officer, the Deputy Commercial Tax Officer, [the Commercial Tax Officer and the Assistant Commissioner] may exercise the powers specified in section 46 of the Act subject to the control and direction of the Deputy Commissioner of Commercial Taxes and the [Commissioner of Commercial Taxes].

Rule 54. Furnishing of information by banks or clearing houses. – Every bank including any branch of bank and / or clearing house in the State shall, if so required by an officer, not below the rank of an Assistant Commercial Tax Officer, furnish any such particulars as he may require in respect of the transactions of any dealer with such bank or from such clearing house (which during the course of its business handles or transports goods liable to tax under the Act).

Rule 54-A(1). Publication of information respecting assessee. – The following cases respecting assesseees will be published under section 52-A: –

(i) Names of defaulters of tax with details where the total amount of tax including surcharge and additional tax for one or more years is rupees one lakh or more and is not covered by stay granted by the appropriate authorities, and remaining unpaid for more than two months after the due date.

(ii) Names of dealers with details who have suppressed their tax liability or have evaded the payment of tax under the Act involving Rs: 25,000 or more for one or more years, detected at a time.

(iii) Names of dealers or persons with details on whom a penalty of not less than Rs.5,000 under the Act has been imposed during any year; and

(iv) Names of dealers or persons with details who have been convicted for any offence under clauses (a) and (b) of sub-section (2) of section 45 or under sub-section (3) of section 45 of the Act in any year.

(v) Names of dealers with details, whose registration certificates have been cancelled or stand cancelled.

Rule 54-A(2). The information aforesaid shall be published by the Government for each financial year in the Tamil Nadu Government Gazette and may also be released to the press for publication.

Rule 55. The taxes or other amounts due under the Act shall be paid –

Rule 55(i). by remittance in cash into a Government Treasury or to the Assessing Officer or other officer empowered to make the demand or authorised to make the collection; or

Rule 55(ii). by means of a crossed cheque in favor of the Assessing Officer drawn on any one of the banks referred to in subsidiary rule 1 (a)(iv) of the rule 10 of the Tamil Nadu Treasury rules and situated within the city/town where the office of the Assessing Officer is situated; or

Rule 55(iii). by means of a crossed demand draft or a Banker's cheque drawn in favor of the Assessing Officer:

Provided that the method of payment by means of cheque shall not be applicable to the causal traders and to the dealers whose cheques got dishonored for want of funds on more than one occasion.

Rule 56. Whoever commits a breach of any of these rules shall on conviction by a Presidency Magistrate or a Magistrate of the Second Class, be punishable with fine which may extend to one thousand rupees.

Rule 57. Where a form has been prescribed by these rules for the keeping or maintaining of any accounts or for the submission of any return, only the appropriate form printed under the authority of the State Government shall be used for the purpose:

Provided that the monthly return under sub-rule (2) of rule 18 if there is no transaction in any month need not be submitted in the prescribed form but a nil return may be submitted on plain sheet of paper with the declaration regarding the correctness of the return duly appended and signed by the dealer.

Provided further that the Government may, by a general order, at any time, permit the dealers to use any privately printed copies of forms prescribed in these rules.

Rule 58. The forms prescribed in these rules may be used with such variations in matters of details as may be directed by the [Commissioner of Commercial Taxes] from time to time.

Rule 59. Notwithstanding anything contained in these rules, a dealer liable to pay tax, fee or other amount due under the Madras General Sales Tax Act, 1939, for the period prior to 1st April 1959, shall submit the returns due for that period in accordance with the provisions of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 and the Madras General Sales Tax Rules, 1939.