

Circular No. 50 /2014  
D3/ 32639/ 2014

Office of the Principal Secretary/  
Commissioner of Commercial  
Taxes, Ezhilagam, Chennai-5

Dated: 24.10.2014

Circular

Sub.: Commercial Tax Department – TNVAT Act, 2006 & CST Act, 1956 - e-filing of Monthly Returns – Compliance mandatory – Reg.

Ref.: 1. Proceedings of Commissioner of Commercial Taxes (FAC) in Proc. No. CC4/ 851/ 2007 dated 9<sup>th</sup> December, 2010.

2. Proceedings of Principal Secretary/ Commissioner of Commercial Taxes, Ezhilagam, Chennai – 5 in D3/ 34445/ 2013 dated 08.04.2014.

3. Proceedings of the Commissioner of Commercial Taxes in Proc. No. CC4/ 996/ 2010 dated 16<sup>th</sup> July, 2012.

\*\*\*\*\*

1. In partial modification of the reference first cited, the Principal Secretary/ Commissioner of Commercial Taxes under the powers vested in Section 21 of Tamil Nadu Value Added Tax Act, 2006 read with sub-rule 5 of Rule 7 of Tamil Nadu Value Added Rules, 2007 hereby order that ***all existing assessees i.e., dealers who are statutorily required to file monthly returns in the relevant Form I, K, L (Vatable goods), Form J (Non Vatable goods) and Form 1 and new dealers registering for obtaining Taxpayers Index Number shall file the returns electronically (e-filing)*** through the Commercial Taxes Department's website [www.tnvat.gov.in](http://www.tnvat.gov.in) on or before the mandated due dates; and this order shall supersede the earlier order issued in the reference first cited on the subject, wherein it has been mentioned that existing assessees and new dealers who are registering for obtaining TIN and ***who are liable to pay tax*** shall file the returns electronically which warrants partial modification to clarify that every existing assessee and newly registered dealers who are statutorily required to file monthly returns in the relevant Form I, J, K, L and Form 1 should compulsorily file the returns electronically (e-filing) only.
2. The dealers filing manual returns hitherto for whatsoever reasons shall hereafter file the relevant monthly returns electronically only from the month of November, 2014 (Monthly returns of October, 2014). Therefore, no manual return shall be accepted by any assessing officer with effect from 1<sup>st</sup> November, 2014.



3. The existing e-filing assesseees and certain minimum number of manual return filing assesseees, who are now ordered explicitly to file the monthly returns electronically (concerned annexures should be e-filed compulsorily with complete details) shall submit the acknowledgment copy duly signed along with monthly return in relevant form and proof for payment of tax in their respective circle offices, as envisaged in the proceedings issued in reference second cited.
4. In the reference third cited, it has already been ordered that all the non assesseees (who are liable to file annual returns in Form I-1) to file their returns electronically (e-filing) through the Commercial Taxes Department's website [www.tnvat.gov.in](http://www.tnvat.gov.in) on or before the due dates, which shall also be strictly adhered to by the dealer fraternity.
5. In order to achieve 100% e-filing of assesseees/ newly registered dealers from the month of November, 2014 (Monthly returns of October, 2014 in the relevant Form I, J, K, L and Form 1) and non-assesseees in respect of filing of annual return in Form I-1 henceforth, the following instructions issued shall be scrupulously followed by the head of the assessment circles:
  - (i) The head of the assessment circles shall ensure mandatory e-filing within the prescribed time limits, and non adherence to timely e-filing of monthly returns along with proof of payment of tax shall tantamount to contravention of provisions of section 21 of TNVAT Act, 2006 read with rule 7(5) of TNVAT Rules, 2007, which is an offence u/s 71(1)(a) of the said act and the same shall be compounded departmentally by payment of not more than rupees two thousand u/s 72(1)(b) of TNVAT Act, 2006 and the notice templates for enforcing the same in respect of manual return filing dealers is enclosed in Annexure I and in respect of belated e-filing dealers is enclosed in Annexure II.
  - (ii) The head of assessment circles may demand security deposits u/s 39(4) from assesseees in order to ensure 100% compliance of e-filing of relevant returns within prescribed time limits and the notice template is enclosed in Annexure III.
  - (iii) In respect of the following cases, the head of assessment circles may resort to cancellation of such registrations:
    - (i) assesseees defaulting in complying with e-filing of monthly returns (and continuing to submit manual returns) and not furnishing security deposit after having been demanded by way of proceedings issued by the head of the assessment circle, and

- (ii) non-assessee, defaulting in complying with e-filing of annual returns in Form I-1 (either filing manual return in Form I-1 or not filing even manual return in Form I-1) within the prescribed time limit and the notice template is enclosed in Annexure IV.
6. The objective of this circular is to enforce compliance of 100% e-filing of both assessee and non-assessee within the prescribed time limits, so as to align the dealer fraternity to usher in compulsory e-filing accompanied by e-payment/ e-challan regime in the anvil of total solutions project which shall augur good for both the department and the dealer fraternity.
7. The instructions issued should be scrupulously followed and receipt of this reference may be acknowledged at once.

Sd/- K. Rajaraman  
Principal Secretary/  
Commissioner of Commercial Taxes

Enclosure:

1. C fees notice template for manual return filing in Annexure I
2. C fees notice template for belated e-filing in Annexure II
3. Security Deposit notice in Annexure III
4. RC Cancellation notice in Annexure IV


To

1. All Territorial Joint Commissioners (CT) including Large Tax Payers Unit,
2. All Territorial Deputy Commissioners (CT) (through e-mail),
3. All Assistant Commissioners (through e-mail),
4. The Joint Commissioner (Computer Systems) – for hosting in Internet & Intranet website.

Copy to:

1. All Additional Commissioners,  
O/o the Principal Secretary/  
Commissioner of Commercial Taxes, Chennai – 5
2. Joint Commissioner (Admin), O/o the Principal Secretary/  
Commissioner of Commercial Taxes, Chennai – 5
3. "Y" Section

/Forwarded by Order/

  
29.10.2014  
Superintendent



## Annexure I

O.R. No. /2014-15

Office of the Assistant Commissioner (CT),  
<Name of the Circle>,  
<Station>.

Dated:

TIN No.:

### Notice

You have been mandated to file e-return from the month of November 2014 (Monthly return of October, 2014) under the provisions of Section 21 of TNVAT Act, 2006 read with rule 7(5) of TNVAT Rules, 2007 by the Proceedings of the Principal Secretary/ Commissioner of Commercial Taxes, Chennai in Proc. No. D3/ /2014 dated 23<sup>rd</sup> October, 2014. You have filed the monthly returns manually and have contravened the provisions of the act, which is an offence under section 71(1)(a) of TNVAT Act, 2006. However, you are extended the option of compounding the offence departmentally by payment of Rs. /- u/s 72(1)(b) of TNVAT Act, 2006.

You may avail the compounding option extended to you in your own interest and pay the compounding fee specified herein within three days from the date of receipt of this notice, failing which the undersigned official in his official capacity as registering authority in order to ensure compliance of e-filing of prescribed returns within prescribed time as envisaged in the act, may be constrained to prosecute u/s 71 of the act before the Magistrate.

Sd/-  
Assistant Commissioner (CT),  
<Name of the Circle>

To  
The Dealer Concerned.

**Annexure II**

O.R. No.        /2014-15

Office of the Assistant Commissioner (CT),  
<Name of the Circle>,  
<Station>.

Dated:

TIN No.:

**Notice**

You are a registered dealer in the office of Assistant Commissioner (CT), <Name of the Circle>. You have filed the e-return for the month of < say October, 2014> on <say 27<sup>th</sup> November, 2014>, as against the prescribed date of 20<sup>th</sup> of succeeding month and the same has been received in this office belatedly on \_\_\_\_\_. You have contravened the provisions of section 21 of TNVAT Act, 2006 read with rule 7(5) of TNVAT Rules, 2007, which is an offence u/s 71(1)(a) of the said act. However, you are extended the option of compounding the offence departmentally by payment of Rs. \_\_\_\_\_ /- u/s 72(1)(b) of TNVAT Act, 2006..

You may avail the compounding option extended to you in your own interest and pay the compounding fee specified herein within three days from the date of receipt of this notice, failing which the undersigned official in his official capacity as registering authority in order to ensure compliance of e-filing of prescribed returns within prescribed time as envisaged in the act, may be constrained to prosecute u/s 71 of the act before the Magistrate.

Sd/-

Assistant Commissioner (CT),  
<Name of the Circle>

To  
The Dealer Concerned.

### Annexure III

Office of the Assistant Commissioner(CT),  
<Name of the Circle>,  
<Station>.

Dated:

TIN No.:

### Security Deposit – Demand Notice

You are a registered dealer in the office of Assistant Commissioner (CT), <Name of the Circle> and have not e-filed the monthly returns/ belatedly e-filed the monthly returns for the month of <say October, 2014> on <say 27<sup>th</sup> November, 2014> as against prescribed date of 20<sup>th</sup> of succeeding month and had contravened the provisions of Section 21 of TNVAT Act, 2006 read with rule 7(5) of TNVAT Rules, 2007, which had been treated as an offence u/s 71(1)(a) of TNVAT Act, 2006 and compounded departmentally by payment of Rs. \_\_\_\_\_/- u/s 72(1)(b) of TNVAT Act, 2006 in O.R. No. \_\_\_\_\_/ 2014-15 dated \_\_\_\_\_/11/ 2014 / prosecuted before magistrate u/s 71 of the act.

You have time and again defaulted in complying with timely e-filing of monthly returns, which warrants demand of security deposit as envisaged in section 39(4) in order to ensure compliance of e-filing of monthly returns within prescribed time as envisaged in the act, and accordingly, you are now show caused as to why security deposit to the tune of Rs. \_\_\_\_\_/- could not be demanded from you for continuously contravening the provisions of the act and you are given a time of not exceeding fifteen days from the date of receipt of this notice to file your reply in writing, failing which proceedings to the effect demanding security deposit for the said amount shall be passed without any further intimation.

Sd/-  
Assistant Commissioner (CT),  
<Name of the Circle>

To  
The Dealer Concerned.



**Annexure IV**

**//COMMERCIAL TAXES DEPARTMENT//**

<Name of the Circle>

Dated:

TIN No.

**RC Cancellation Notice**

Sir,

Sub.: TNVAT Act, 2006 - < Name of the dealer>- Annual returns not filed u/s 21 of the act - Notice issued for RC cancellation

Ref.: CCT Proceedings in Proc. No. CC4/996/2010 dt. 16<sup>th</sup> July, 2012

You are a registered dealer in the office of the Assistant Commissioner (CT), <Name of the circle> w.e.f. <Date of effect of RC>. It is noticed that you have not e-filed annual return in Form I-1 as envisaged in section 21 of TNVAT Act, 2006 read with rule 7(7) of TNVAT Rules, 2007 for the financial year 2013-14.

As per the reference cited, you are mandated to file the annual return (Form I-1 along with Annexures) for the financial year 2013-14 showing the actual turnover in respect of all goods dealt with electronically (e-filing) through the Commercial Taxes Department's website viz., [www.tnvat.gov.in](http://www.tnvat.gov.in) and submit the hard copy of the annual return e-filed in this circle office.

You are requested to ensure compliance of this notice as mandated or file objections if any with valid reasons within fifteen days of receipt of this notice, failing which your registration shall be cancelled u/s 39(14) of TNVAT Act, 2006 and section 7(4)(b) of the CST Act, 1956 (wherever applicable) without any further intimation w.e.f. <Date> i.e., from the date of non-filing of prescribed returns.

Sd/-

Assistant Commissioner(CT),  
<Name of the Circle>

To:

The Dealer Concerned.