

IW1/3365394/2022

Office of the Principal Secretary/
Commissioner of Commercial Taxes,
Chennai-600 005.

Date: 24.02.2023

Present: Thiru Dheeraj Kumar, I.A.S.,
Principal Secretary/Commissioner of Commercial Taxes.

Sub:	Intelligence Wing – Power Roles and Responsibilities – Offences booked by Roving Squad officers – Certain circular instructions issued - amendment made – regarding.
Ref:	<ol style="list-style-type: none">1. Circular No.10/2019 dated 31.05.2019 issued in Q1/17253/2019.2. Circular No.10/2019 amendment dated 17.12.2019 issued in Q1/17253/2019.3. Circular 10/2019 amendment dated 15.11.2021 issued in Q1/17253/2019.4. Circular No.38(2018)/2019 – TNGST dated 05.04.2019 issued in R.C.151/2018/A1/Taxation)5. Circular No.64/38/2018-GST dated 14.09.2018 issued by the Central Board of Indirect Taxes and Customs, GST Policy Wing. In CBEC/20/16/03/2017-GST.6. Circular 10/2019 amendment issued in IW1/3365394/2022, dated 10.01.2023.

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In the circulars in the references 1, 2, 3 & 6 cited above, detailed instructions have been issued on the protocol for Roving Squad. For further clarity, the following amendment is hereby issued to the Circular No.10/2019 dated 31.05.2019 as amended on 17.12.2019, 15.11.2021 & 10.01.2023.

2. In para 9 of the said circular, instructions have been issued for "**CIRCUMSTANCES WHERE NO PENALTY SHALL BE LEVIED BY THE ROVING SQUAD**". The Existing para 9 (i), (ii) & (iii), are extracted below:

- i) *Where the amount involved in the offence is less than Rupees Five Thousand.*

- ii) *Where a mistake or omission in document is easily rectifiable and has been committed without fraudulent intent or gross negligence or is not backed up with any sort of malicious intent to evade taxes.*
- iii) *Where the issue relates to rate of tax, classification of goods, place of supply disputes, valuation of goods etc., Instead of levying tax and penalty on the spot, these types of cases shall be referred to the assessment circle concerned for further action, without detaining the goods and conveyance. However, in respect of newly registered tax payers where the roving squad officers are able to establish that the tax payer had failed to file returns for two or more tax periods this instruction would not apply and the vehicles of such tax payers may be detained for further action, wherever appropriate.*

3. The above para is modified as follows:

9 (A). CIRCUMSTANCES WHERE NO PENALTY SHALL BE LEVIED BY THE ROVING SQUAD:

- i) *Where the amount involved in the offence is less than Rupees Five Thousand.*
- ii) *Where the issue relates to rate of tax, classification of goods, place of supply disputes, valuation of goods etc., Instead of levying tax and penalty on the spot, these types of cases shall be referred to the assessment circle concerned for further action, without detaining the goods and conveyance. However, in respect of newly registered tax payers where the roving squad officers are able to establish that the tax payer had failed to file returns for two or more tax periods this instruction would not apply and the vehicles of such tax payers may be detained for further action, wherever appropriate.*