

**Circular No. 6 /2012  
AC-I/ 15453 /2012**

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

**Dated : 18.05.2012**

**CIRCULAR**

Sub: Cancellation of TIN – Request for re-activation of TIN by Joint Commissioners of Territorial wings – guidelines issued – Regarding.

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Several instances of indiscriminate cancellation of registration certificates of dealers under TNVAT Act followed by a request by the Joint Commissioners to re-activate such cancelled registration certificates have been brought to the notice of Commissioner of Commercial Taxes. Some of the reasons cited for cancellation are as follows:

- i) Wrong cancellation by mistake or by oversight, though returns are filed manually.
- ii) Non-submission of PAN but subsequently provided.
- iii) No response from the dealers

2. It is also seen that the Joint Commissioners have highlighted the following reasons while remanding a Revision Petition filed with regard to cancellation of registration certificate.

- i) The dealers have not received any notice/intimation regarding the cancellation of registration.
- ii) Notice for cancellation has not been sent to the correct address.
- iii) Notice for cancellation not properly served on the dealers.

- iv) Registration cancelled for non-filing of the returns whereas the dealers have filed returns.
- v) Dealers filed returns through e-filing whereas registration cancelled without verification.

3. Normally a registration certificate is cancelled on the closure of a business or on a request by a dealer. Wherever there is violation of the statutory provisions of the Act requiring cancellation of registration certificate, reasonable opportunity is to be afforded to a dealer.

4. Therefore, when a registration certificate of a dealer has been cancelled due to non-compliance of the statutory provisions, the dealer has to seek remedy in the form of filing a Revision Petition before the Joint Commissioner as provided u/s 54 of TNVAT Act. In some instances, High Court of Madras had also occasion to intervene. In such circumstances only, a registration certificate is liable for activation based on the statutory remedy available.

5. The reasons cited by the Joint Commissioners in para-1 and 2 above for cancellation are not based on sound reasoning but reflect a casual attitude on the part of the officials responsible. This clearly shows that the registering authorities are casual in data entry in their assessment circles.

6. In view of the above, the following instructions are issued for strict adherence in case of cancellation of Registration Certificates in future:-.

- i) The request for re-activation of TIN shall be made by the concerned registering authority duly furnishing the reasons for such re-activation.

- ii) This request should be accompanied by a copy of the Order as mentioned in para 4 above.
- iii) The request will be posted in the login of the Joint Commissioner (Territorial concerned)
- iv) The Joint Commissioner (Territorial) concerned will verify the request (with reference to the Order as stated in (ii) above) and accordingly allow / reject the re-activation.
- v) The Joint Commissioner (Territorial) should also fix responsibility on the officials responsible for cancellation of registration certificates on unreasonable grounds.

7. The Joint Commissioners are instructed to ensure that due procedure is followed before resorting to cancellation of any registration certificate and they are also requested to instruct the assessing officers under their control suitably.

8. The Joint Commissioners are requested to acknowledge the receipt of the Circular at once and get the similar acknowledgement from their subordinates.

Sd/- Shiv Das Meena  
Commissioner of Commercial Taxes

To

- 1. All Joint Commissioners (CT), (Territorial and Enforcement)
- 2. All Deputy Commissioners (CT), (Territorial and Enforcement)
- 3. All the Head of the Assessment Circles in this State.

Copy to :

- 1. All Additional Commissioners in the O/o the Commissioner Commercial Taxes, Chennai-5.
- 2. Joint Commissioner (Admn.), O/o the Commissioner Commercial Taxes, Chennai-5.
- 3. All Joint Commissioners (CT), Deputy Commissioners (CT) & Assistant Commissioners (CT) in the O/o the Commissioner Commercial Taxes, Chennai-5.
- 4. The Joint Commissioner (Computer System), Chennai-6 for uploading in the intranet and internet websites.

5. The Director, Commercial Taxes Staff Training Institute, Chennai-6.
6. Superintendent, Y Section.
7. PC to Commissioner of Commercial Taxes
8. PC to Additional Commissioner (PR)
9. Stock File
10. Spare-5.

/Forwarded/ By Order/

Commercial Tax Officer