

Q1/46498/2008

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

Dated 01.11.2008

CIRCULAR

Sub:	Arrears - TNGST Act 1959 - Irrecoverable arrears of tax, surcharge, additional surcharge, additional tax penalty and interest – demands raised during the period from 1951-52 to 1990-91 - Delegation of powers to Territorial Assistant Commissioner (CT) for Write off– G.O issued- instructions given – regarding.
Ref:	G.O. (Ms.) No.88 CT & R (D1) Department dated 10.10.2008.

In the G.O. cited in reference, the Government delegated the powers vested with the Government / Commissioner of Commercial Taxes under item 6 and 7 of Appendix 21 of the Tamil Nadu Financial Code Volume II to the Territorial Assistant Commissioner (CT) (now redesignated and herein after referred to as Territorial Deputy Commissioners) for specific purpose to write off the eligible arrears of demands raised during the period from 1951-52 to 1990-91 under the Tamil Nadu General Sales Tax Act 1959 , the Tamil Nadu Sales Tax (Surcharge) Act, 1971, the Tamil Nadu Additional Sales Tax Act, 1970 and the Central Sales Tax Act 1956, subject to the following conditions:

1. Against the arrears of tax, surcharge, additional surcharge, additional tax, penalty and interest, no appeal, revision petition, writ petition or suit is pending before any appellate forum or Court of Law on the date of issue of this order.
2. No Immovable property has been attached for recovery of arrears under the Tamil Nadu Revenue Recovery Act, 1864.
3. The defaulter has stopped business prior to 1st April 2002.

In this connection, the following instructions are issued:

1. The Territorial Deputy Commissioners shall obtain the Assessment circle wise list of cases eligible for write off as per the GO, consolidate them and send the consolidated list to the

Territorial Joint Commissioners before 20.11.2008. The Heads of assessment circles shall maintain a register containing the details of list of cases (dealer wise) sent by them as above to the Territorial Deputy Commissioners. **The demand must have been raised before 31.3.1991.**

2. The list of cases should be entered assessment circle wise in a consolidated register to be maintained by the Territorial Deputy Commissioners.

3. A copy of the register should be sent to the Territorial Joint Commissioner before 20.11.2008.

4. After preparing the consolidated register on 20.11.2008, the Territorial Deputy Commissioners should obtain the Write off proposals from the assessment circles, dealer wise in separate current numbers before 01.12.2008. The proposals should contain the amount of demand, date of demand and the Serial number of L, E, F3 and F3B of the year 2008-2009. The Territorial Deputy Commissioners shall instruct the Assessing Officers to ensure that any excess amount available to the dealer in F4, M Register and Security Deposit, if any, is adjusted towards arrears before sending the Write off proposals. The Territorial Deputy Commissioners should obtain the following certificate in every write off proposal:

“Certified that the following conditions laid down in the G.O. (Ms.) No.88 CT & R (D1) Department dated 10.10.2008 have been verified by me and complied with.

(i) Against the arrears of tax, surcharge, additional surcharge, additional tax, penalty and interest, no appeal, revision petition, writ petition or suit is pending before any appellate forum or Court of law on the date of issue of the G.O. (10.10.2008)

(ii) No Immovable property has been attached for recovery of arrears under the Tamil Nadu Revenue Recovery Act 1864.

(iii) The defaulter has stopped business prior to 1st April 2002.”

5. The Territorial Deputy Commissioners should verify the correctness of every Write off proposal received from the Heads of assessment circles, with reference to the actual arrears of the dealer, L, E, F3 and F3B registers, arrear action file and other records and ensure that the Write off proposals are in accordance with the conditions laid down in the G.O. cited.

6. Out of the eligible cases identified after thorough verification by Territorial Deputy Commissioners, those cases where arrears exceeds Rs.5,000/- in every circle should be listed and furnished with full details to the Joint Commissioner (Enforcement) for further verification. After receipt of verification report from the concerned Enforcement wing, the Territorial Deputy

Commissioners should verify top 20% of the referred cases personally before passing write off orders. Enforcement Wing shall verify whether the stopped business reported by the Head of the office is correct with reference to the records furnished for verification. The Enforcement wing Joint Commissioner for this purpose should maintain a register showing the following details.

1. Sl.No.
2. Name of the District and Circle
3. Name of the dealer
4. Date of receipt of reference from Territorial Deputy Commissioners
5. Date of despatch of the verification report to Territorial Deputy Commissioners.

Separate current number should be assigned for every verification report. The Joint Commissioner (Enforcement) should furnish the verification report within 10 days from receipt of list and particulars from Territorial Deputy Commissioners. In these cases, the Write off proceedings to be issued by Territorial Deputy Commissioners shall be passed duly after the receipt of verification report from Joint Commissioners (Enforcement) and verification of top 20% of the cases by the Territorial Deputy Commissioners.

7. The remaining eligible cases (arrears less than Rs.5000/-) shall be verified by Territorial Deputy Commissioners and separate orders shall be passed by Territorial Deputy Commissioners for every dealer. The arrears relating to different years for the same dealer can be written off in a single order. Copy of the order has to be marked to Assessment Circle and Territorial Joint Commissioners.

8. Necessary entries have to be made in the consolidated register then and there. The Territorial Deputy Commissioners should make entries in the website (internet) daily and update the details without fail. In the Office of the Territorial Deputy Commissioners, files shall be closed as R. Dis. Similar entries have to be made by the Head of Assessment Circles in all the connected registers and arrear action files should be closed as R. Dis. The Written off entries have to be made in the copy of the registers available in Office of the Territorial Joint Commissioners also. The Territorial Joint Commissioners and Nodal Officers (Additional Commissioners) have to test check these cases and monitor the implementation of the G.O. cited.

9. A consolidated report should be sent to Principal Secretary /Commissioner of Commercial Taxes every Friday by the Territorial Joint Commissioners. The Final report should be received before 26.12.2008.

10. The Proforma for consolidated register is prescribed as below:

Name of the C.T. District and Circle

File No.	TNGST/ CST No.	Name of the dealer	Year	Tax	SC	ASC	AST	Penalty/ Interest	CST Tax/ Penalty/ Interest	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

A.O.ref.No. and Date	DC ref No. and Date	Enft Ref. No.in above Rs.5000/- cases	Date of order	Remarks
(12)	(13)	(14)	(15)	(16)

11. The Proforma for Consolidated report to be sent by Territorial Joint Commissioners to Principal Secretary /Commissioner of Commercial Taxes is prescribed as below:

Name of the Division

Name of the District

Name of the circle	No.of cases written off	Amount Written off					CST		Total
		Tax	SC	ASC	AST	Penalty/ Interest	Tax	Penalty/ Interest	
1	2	3	4	5	6	7	8	9	10
GRAND TOTAL									

This circular must be acknowledged at once.

Sd/- T. Jacob,

Principal Secretary / Commissioner of Commercial Taxes

To

1. All the Joint Commissioners(Territorial and Enforcement)
2. All the Deputy Commissioners(Territorial and Enforcement)
3. All the Assessing Officers

Copy to:

1. The Additional Commissioners(SMR),(Audit),(RP),(PR) and (VAT)
2. The Additional Commissioner / CEO, TWB, Chennai
3. The Director, CTSTI, Chennai-600 006
4. The Joint Commissioner(Enforcement),Chennai- 600 006
5. All the Joint Commissioners and Deputy Commissioners in the O/o PS/ CCT, Chennai- 600 005
6. EDP Cell to put in the Departmental Website
7. Stock file.