

**GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
FINANCE (TAXATION) DEPARTMENT**

NOTIFICATION

Dated Dispur, the 27th October, 2017.

No.FTX.29/2003/322:- Whereas circumstances exist which render it necessary for the State Government to dispense with the requirement of provision of publication of the draft amendment Rules under sub-section (1) of section 106 of the Assam Value Added Tax Act, 2003;

Assam Act
No. VIII of
2005

Now, therefore, in exercise of the powers conferred by proviso to section 106 of the Assam Value Added Tax Act, 2003, the Governor of Assam is pleased to make the following Rules further to amend the Assam Value Added Tax Rules, 2005 hereinafter referred to as the principal Rules, namely: —

Short title and commencement.

1. (1) These rules may be called the Assam Value Added Tax (Amendment) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 29.

2. In the principal Rules, in rule 29,
 - (i) in sub-rule (1), in clause (g), for the words “ninety days” wherever they occur, the words “sixty days” shall be substituted;
 - (ii) after sub-rule (2), the following new sub-rule (3) shall be inserted, namely:-

“(3) Provisional refund in case of excess input tax credit.— (a) Where a registered dealer claims refund in the return furnished for a tax period on account of accumulated excess input tax credit and if the dealer exercises his option for provisional sanction of refund pending audit assessment, he shall make an application to the Prescribed Authority within one hundred and eighty days of the coming of this rule into force:

Provided that an application for provisional refund made after the said period may be admitted by the Prescribed Authority, if he is satisfied that the dealer had sufficient cause for not making the application within the said period.

(b) Such application shall, *inter-alia*, include the name and address of person claiming refund, name and style of business together with certificate of registration, period of assessment for which refund is claimed, amount of refund claimed and grounds thereof and a detail account of input tax credit.

(c) The Prescribed Authority shall ordinarily, within thirty days of the receipt of the application, grant refund provisionally, if such dealer furnishes a bank guarantee or other security duly pledged in favour of the Prescribed Authority.

(d) The delay attributable to the conduct of the person to whom the refund is payable shall be excluded in computing the period of thirty days.

(e) Where provisional refund has been granted, the Prescribed Authority shall take up the case for audit assessment immediately and shall ordinarily complete such audit assessment within a period of six months from the date of initiation of such proceedings. After such assessment, out of the final amount determined to be refundable, the amount already refunded provisionally shall be adjusted and the balance amount, if any, shall be refunded and release the Bank guarantee furnished by the dealer at the time of grant of provisional refund. However, if the amount provisionally refunded is in excess of the amount determined to be refundable on assessment, such excess refund shall be recovered as if it is a tax payable under this Act:

Provided that the Bank guarantee furnished shall be forfeited if the dealer had preferred an incorrect claim of refund against which payment has been made or the refund claim is reduced by any reason whatsoever and the dealer fails to pay the excess refund allowed.

(f) The refund under this sub rule shall be subject to the provisions of clause (c), (d), (e), (f), (h) and (i) of sub rule (1).”

Sd/-V. B. PYARELAL,
Additional Chief Secretary to the Government of Assam,
Finance Department

Copy to:-

1. The Commissioner of Taxes, Assam, Kar-Bhawan, Dispur, Guwahtati-6 for information and necessary action for early publication of the notification in the Extra Ordinary, Assam Gazette.
2. The Publisher, Assam Government Press. He is requested kindly to publish the above notification in the Extra Ordinary Issue of the Assam Gazette immediately and supply 100 (three hundred) copies to this department after publication.
3. The ~~Dir~~ Secretary to the Govt. of Assam, "e-Governance Unit", Finance Department for information.
4. The Legislative Department, Dispur for information.

By order etc.,

Joint Secretary to the Govt. of Assam,
Finance (Taxation) Department