

Proceedings of the Commercial Tax Officer 2nd Circle, Kottayam.

Present : Sri. Mathew George.

Order No. 32050688207/12/-13 dated; 11.02.2013

Sub:- KVAT Act 2003/CST Act 1956 – Registration granted to M/s. ANS Enterprises, College Road, Mariyappally P.O, Kottayam – cancellation-Orders passed –reg.
Read:- 1. This office notice dt. 18.01.2013
2. Reply dt. 24.01.2013 of M/s. ANS Enterprises.

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M/s. ANS Enterprises, College Road, Mariappally P.O, Nattakom Kottayam, is a registered dealer, on the rolls of this office under KVAT Act 2003, and CST Act 1956 with TIN 32050688207 C. Being a dealer registered under the relevant acts, they are liable to file returns in Form No. 10 before the assessing authority as prescribed in section 20 and rules there under. But contradictory to the statutory requirement, they have not filed the returns during the current year from 4/12 to 12/12. The negligence from your part attract assessment under section 25(1) for which action has been initiated. As their failure to maintain true and complete accounts of business transactions and default in filing of returns are serious offences committed with deliberate intention to evade tax, action u/s 67 has also been issued from the office through another notice.

Enquiry reveals that, they are bringing goods from outside the state as well as procured from within the state and effecting its sales. Definitely the above transactions left out from accounts, which cause severe loss of revenue. As discussed, continuance of business by violating the provisions of the relevant Acts and rules there under is injurious to revenue. In the above circumstances exercising the powers u/s 16(9),(10), & 11 of KVAT Act 2003 read with Rule 17(18)(iv), and section 8(4)(b) of CST Act 1956 read with Rule 9(1) of CST (R & T) Rules 1957, it was proposed to cancel the registration granted under KVAT Act 2003 & CST Act 1956.

A notice on the above lines was issued to the dealer through registered post, vide paper read as, 1st above. In response to the proposal, the dealer filed reply read above requesting to drop the proposal of cancellation on the grounds of bad financial condition, irregular operations in accounts etc. They also requested for time up to 25/05/2013 for filing of returns and remittance to tax. After the receipt of notice, the dealer has filed return for the month of 04/2012.

In this case still the dealer have not filed monthly returns for the return period, from 5/12 to 12/12 as provided in sec. 21 (1). There are evidences on record that the assessee have brought goods though check posts from out side the state. In addition, he has purchased goods from within the state. All the transactions are left out from accounts and concealed from the assessing authority with an intention to hide the transactions and there by escaping from tax net.

As per the Rule (17) (18)(iv), non-payment of tax collected by the dealer consecutively for a period of three return periods are good and sufficient reason for cancellation registration granted. The act of the assessee is detrimental to revenue. The continuance of registration would cause further accumulation of tax arrears .

In the circumstances, in exercise of the powers conferred under section 16(9)(10) &(11) of the KVAT Act 2003 read with Rule 17(18)(IV) and section 8(4)(6) of CST 1956 read with Rule 9(1) of CST (R &T) Rule 1957, the registration granted to M/s. ANS Enterprises, College Road, Mariappally P.O, Nattakom Kottayam Pin 686 023 with TIN 320506 88207C is canceled with immediate effect. De-registration notice in Form No. 5B issued herewith.

**Commercial Tax Officer,
2nd Circle, Kottayam**

To
M/s. ANS Enterprises,
College Road, Mariappally P.O,
Nattakom Kottayam.
Pin 686 023

} Through RPAD

Copy submitted to the Inspecting Asst. Commissioner, Commercial Taxes, Kottayam.
“ to the Inspecting Asst. Commissioner(ITMC)

Copy to All Commercial Tax Check-Posts.

1. CTD Notice Board,
2. CTD Website.