

PRACTICAL ISSUES ARISING FROM LATEST DVAT DEVELOPMENTS

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EXAMPLES OF
GOODS

UPON BASED

JUGDEMENTS
OF

COURTS

DEFINITION OF

GOODS

As per Section 2(d) of Central Sales Tax Act, 1956

Goods includes all materials, articles, commodities and all other kinds of movable property, but does not include newspapers, actionable claims, stocks, shares and securities.

As per Section 2(1)(m) of the DVAT Act,

“Goods” means every kind of movable property (other than newspapers, actionable claims, stocks, shares and securities) and includes-

- i. livestock, all materials, commodities, grass or things attached to or forming part of the earth which are agreed to be severed before sale or under contract of sale; and
- ii. Property in goods (whether as goods or in some other form) involved in the execution of a works contract, lease or hire-purchase or those to be used in the fitting out, improvement or repair of movable property.

As per section 2(r) of the Haryana Value Added Tax Act, 2003,

“Goods” means every kind of movable property, tangible or intangible, other than newspapers, actionable claims, money, stocks and shares, or securities but includes, growing crops, grass, trees and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

Items excluded from the definition of goods:

- Actionable claims-

As Per Section 3 of Transfer of Property Act -

“ACTIONABLE CLAIMS” means a claim to any debt , other than debt secured by a mortgage of immovable property or by hypothecation or pledge of movable property.

CASE:-

Philco Exports vs. STO (2001) 124 STC 503 (Del)-

In order to ascertain whether a claim is an actionable claim, it must first be determined whether it is a debt.

A debt is a sum of money which is now payable or will become payable in future by reason of a present obligation.

- **New newspapers**

They are outside the purview of the definition of “goods” but old newspapers are covered in goods.

**(CASE: H. ANRAJ VS. GOVT. OF T.N. (1986) 61
STC 165 (SC))**

- **Currency/money-**

Whenever money is sold/ brought , it will be in the VAT Net , unless specifically exempted in the Act.

Likewise , sale of non-judicial papers , stamps etc. by vendors will also be subject to tax under this Act if the Local VAT Act permits to do so.

- **Electricity Energy-**

CASE:-

CST vs. M.P. Electricity Board (1970) 25 STC 188 (SC)-

There could be sale and purchase of electric energy like any other movable object, therefore it is covered by the definition of “goods”.

Though considered as goods, are specifically excluded in charging section i.e. the section 6(1) of the CST Act, 1956. It is also exempt under DVAT Act under entry no. 13 of First Schedule of DVAT Act 2004.

Items Considered as goods

COPYRIGHT

Incorporeal movable property such as Copyrights will fall within the definition of “goods”.

CASE:-

A.V. Meiyappan vs. CCT (1967) 20 STC 115 (Mad)-

Copyright is referred to as an immaterial form of property, being the product of human skill and labour or of a man's brains.

DRAWINGS AND DESIGNS

CASE:-

**Associated Cement Companies Ltd. vs.
Commissioner of Customs (2001) 124 STC 59 (SC)-**

The moment the information or advice is put on a media, whether paper or diskettes or any other thing, then that becomes chattel. The drawings, designs, manuals, etc., so obtained are goods on which customs duty could be levied.

LIVESTOCK

The ambiguity has been removed in the DVAT Act by specifically including “livestock” in the definition of goods.

CASE:-

K. Srinivasulu vs. Dy. CTO (1975) 35 STC 262 (AP)-

Livestock is movable property and the expression “goods” takes within its ambit live-stock, which is admittedly movable property.

LOTTERY TICKETS

Lottery Tickets, since considered as sale of goods, in the form of actionable claims, are not taxable under the Act.

CASE:-

Govt. of NCT of Delhi Appeal (civil) 4552 of 1998 decided by five judges bench of SC-

Sale of Lottery Tickets involved a sale of goods, but in the form of an actionable claim, and that since “actionable claims” have not been considered as “goods” within the meaning of Sales tax Acts of different States, it is not taxable.

DEPB/REPLISHEMENTLICENSE

The **Duty Entitlement Pass Book Scheme (DEPB)** is to neutralize the incidence of basic customs duty on the import content of the export product.

CASE:-

**Sunrise Associates vs. Govt. of NCT of Delhi (2006) 145
STC 576 (SC-5 Judges)-**

DEPB has an intrinsic value that makes it a market commodity. Therefore, DEPB, like REP license qualifies as “goods” within the meaning of the Sale Tax laws of Delhi.

RUBBER

Rubber is considered to fall within the definition of “goods”.

CASE:-

**Braemore Estates Ltd. vs. State of Kerala (1990) 78
STC 263 (Ker)-**

Rubber is considered to be “goods” because an occupation of Rubber is a regular systematic activity and is carried out with the purpose of earning profits.

SALE OF BUSINESS

CASE:-

Sri Ram Sahai vs. CST (1963) 14 STC 275 (All)-

Business, in general, is not a “goods” and transfer thereof is not within the purview of the Sales Tax Act.

However, taxability of transfer of business as a whole under the sales tax law also depends upon the provisions of respective State legislature.

SIM CARD

Ques.-Whether SIM CARD is considered to be “goods” or not?

Ans.- As per the judgment given in

Escotel Mobile Communications Ltd. vs. Union of India (2002) 126 STC 475 (Ker.) SIM CARD is considered to be within the purview of “goods” but was overruled by the judgment given in

Bharat Sanchar Nigam Ltd. Vs. UOI (2006) 145 STC 91 (SC)

It has been held that “telecom services cannot be equated with goods not have electro- magnetic waves or signals”. Hence no sales tax can be levied on services provided by telecom companies.

CASH CARD

CASE:- Bharati Cellular Ltd. Vs. CST (2002-2003) 42 DSTC J-40 (Del. -Trib.)-

It is Considered to be falling within the purview of “goods”.

TV SIGNALS

CASE:- Aasia Industrial Technologies Ltd. Vs. Ambience Space Sellers Ltd. (1998) STC 18 (Bom.)-

TV Signals are also treated as “goods” as per the above given judgment.

STEAM

CASE:- Nizam Sugar Factory vs. CST (1957) 8 STC 61 (AP)-
Steam also falls within the purview of definition of “goods”.

TENDER FORMS

It is held as GOODS.

CASE:- Maharashtra State Electricity Board vs. State of Maharashtra (2005) ST3-GJX-0074-STMAH

INCOMPLETE FILM

It is held as GOODS.

CASE:- State of Tamil Nadu vs. Thiru Murugan Bros. (1998)
68 STC 412 (SC)

OLD NEWSPAPERS

CASE:- Indian Express Pvt. Ltd. Vs. State of Tamil Nadu
(1987) 67 STC 474 (SC)-

Sale of old and unsold copies of newspapers by a newspaper publisher is considered to be the sale of “goods”.

STANDING TIMBER

CASE:- State of Maharashtra vs. Champa Lal Kishan Lal Mohta (1971) 27 STC 116 (SC)

BAMBOO

CASE:- Bharat Sabaigrass Ltd. Vs. State of MP AIR 1995 NUC (Cal.) 5612

ADVERTISEMENT HOARDINGS

CASE:- Selwel Advertising (P) Ltd. Vs. CTO (1993) 89 STC 1 (WBTT)-

They are not considered to be “goods” if found to be permanently fastened to earth.

GOODWILL

Goodwill is an intangible asset and being capable of transfer is held to be goods.

software

- ✓ Supreme Court in the case of **Tata Consultancy Services vs. State of Andhra Pradesh (2004) 137 STC 620 (SC)** held that “**properties capable of being abstracted, consumed and used and/or transmitted, delivered, stored or possessed are goods.**”

- ✓ In the case of **Infosys Technologies Ltd. vs. Special Commissioner and Commissioner Taxes, Chepauk, Chennai and Another** reported at [2008] 17 VST 26 (Mad) Hon'ble Madras High Court has observed that if the software, whether customized or non- customized, satisfies the Rules as a "goods" as laid down by Hon'ble Supreme Court in the **case of Tata Consultancy**, it will be goods for the purpose of sales tax. Thus, as per this judgment there is no distinction between customized and non- customized software, so long as any of the software satisfies the parameter of goods i.e. they have the attribute of (a) utility, (b) capability of being bought and sold and © capability of being transmitted, transferred, delivered, stored and possessed, such software shall be goods for the purpose of sales tax.

IMMOVABLE

GOODS

Immovable Goods

Land and benefits arising out of land and things attached to earth or permanently fastened.”

Immovable Goods are out of the purview of the definition of goods.

Case:

CST vs. Bombay Sound Service (1999) 112 STC 290 (Bom)

The real criteria to examine whether the property is movable or immovable is whether the property which is embedded or attached to earth can be used without so attaching and attachment is only for the proper and smooth functioning of a particular movable property or if it is for the beneficial user of the immovable property, then it is a movable property otherwise an immovable property.

List of Immovable Goods

- Oil tanks

[Madras Petrochem Ltd. Vs CTO (1996) 103 STC 54 (TNTST)]

- Powerhouse

[Hemendra Lal Roy vs. Indo- Swiss Trading Co. Ltd. AIR (1955) Pat 375]

- Printing machinery

[Carborandum universal ltd Vs CIT (1984) 146 ITR 1 (Mad)]

- Hydraulic Press

[Dy. CST vs. Bobby Rubber Industries(1998) 108 STC 410 (Ker)]

Case of Plant & Machinery as an immovable property

[Case: The Growth Leasing & Finance Ltd. vs. State of Gujarat]

The mode of annexation of plant & machinery to land & building determines that whether it is a movable property or not.

As Per the above case, the heavy machinery which is in common use after being fastened to earth and unless, such fastening is there it cannot be put to a rational use, hence it is an immovable property.

Case of advertisement hoarding

[Case: Selvel Advertising ltd. Vs. CTO (1993) 89 STC 1 (WBTT)]

The applicant acquired land on lease , and then erected structures thereon , fixed hoardings thereto and let for advertising upon the payment of rent. It was held that the hoardings had to be treated as "goods" and the letting of such hoardings had to be deemed to be sale. Unless the hoarding is permanently fastened to the said structure , it could not be claimed to be movable property

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF TRADE & TAXES
(PR BRANCH)
Vyapar Bhawan, I.P. Estate, New Delhi-110002

PUBLIC NOTICE

ATTENTION: TRANSPORTERS/DEALERS/GENERAL PUBLIC

- I. This is for information of all concerned that in accordance with section 61 of DVAT Act 2004 read with Rule 43 of the DVAT Rules 2005, the owner/driver or person incharge of goods vehicle while carrying goods in Delhi should carry with him the following documents:
 - (i) Transport receipt in Form DVAT 32 (GR)
 - (ii) Sale Invoice or delivery note in form DVAT 33.
- II. The dealers, manufactures, importers, exporters, Custom Handling Agents, etc., carrying goods through their own vehicles, are also required to carry the above documents, since they are included in definition of transporter, while transporting goods in Delhi.
- III. If goods are being carried by a transporter without the documents or without proper and genuine documents or without being properly accounted for in the documents referred to in sub-section (2) of section 61 of the Act, the transporter shall be liable to a penalty "forty paisa in a rupee for the value of such goods" u/s 86 (19) of the Delhi Value Added Tax Act, 2004.
- IV. All concerned are, therefore requested to carry the above documents to avoid any inconvenience or detention of their goods vehicles by this department.

Issued in public interest

Sd/-

Additional Commissioner (PR)

DIP/1073/2012-13

FORM 32

Department of Trade and Taxes
Government of NCT of Delhi

Form DVAT 32
[See Rule 43]

Goods Transport Receipt

From.....To..... Dated (dd/mm/yy) _____

Delivery from _____ Delivery at _____

Consignor's name:

Consignor's complete address:

Consignor's TIN : _____

Consignee's name:

Consignee's complete address:

Consignee's Registration Certificate No. under:

- Delhi Value Added Tax Act, 2004 _____

- Central Sales Tax Act, 1956 _____

Number of Packings	Method of Packing	Contents as declared	Value (Rs.)	Private marks if any	Weight		Rate (Rs.)	Total Freight Rs.	Freight		Remarks
					Actual Kgs.	Charged Kgs.			Paid	To Pay	

Name and Signature of the Manager/Booking Clerk

Name and stamp of the Transport Company/Booking Agency

PUBLIC NOTICE

- ▶ What is DVAT-32?
- ▶ It is Goods transport Receipt containing details of consignor & consignee, their address and TIN
- ▶ It also contains details of goods and freight payment details
- ▶ It should be prepared in triplicate, one for consignor, consignee and transporter each.

PUBLIC NOTICE

- ▶ For Private vehicles, not having their printed GR, mention vehicle no, name of owner and his mobile no. on Dvat-32.
- ▶ Must prepare freight payment voucher

FORM 33

Department of Trade and Taxes
Government of NCT of Delhi

Form DVAT 33
[See Rule 43]

Delivery Note

Serial No: _____

Dated (dd/mm/yy) _____

Consignor's / Owner's name:

Consignor's / Owner's complete address:

Consignor's / Owners' TIN:

Consignee's name:

Consignee's complete address:

Consignee's Registration Certificate No. under:

- Delhi Value Added Tax Act, 2004 _____

- Central Sales Tax Act, 1956 _____

Carrier's name:

Carrier's complete address:

Vehicle Number in which goods are being carried: _____

Destination of goods: _____

Number of Packings	Method of Packings	Description of goods	Quantity	Value (Rs.)

Name and Signature of the consignor's authorized signatory
Name and stamp of the consignor

Date: _____

Place: _____

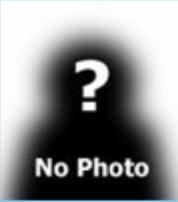
PUBLIC NOTICE

- ▶ What is DVAT-33?
- ▶ It is a delivery note containing details of consignor, consignee and their addresses and Tin, Carrier name & complete address, Vehicle Number
- ▶ It also contains details of goods and destination thereof.
- ▶ It is also usable as Challan.

PUBLIC NOTICE

- ▶ It is not necessary to have Dvat-33, when goods moves alongwith invoice.
- ▶ Non compliance may lead to levy of penalty u/s 86(19) i.e. 40% of the goods.

PARTICULARS OF STOCK



No Photo

Name - ID A.B.C Pvt Ltd - 07999999999

Address New Delhi


Frequency Type Monthly

Current Charge Ward 0-Dealer ▼

Profile	Annexure 2A & 2B	Online Return
---------	------------------	---------------

Add Item	
Add Branch	2A & 2B,Go on " Approval Forms ".
Add Consignment Agent	ails(Mobile Number,E-mail ID) Click Here
Add Principal	al Forms User Manual Click Here
Add Stock	
Edit Contact	

[Home](#) | [Notice Regarding May Assessment](#) | [Change Password](#) | [My H](#)



No Photo

Name - ID A.B.C Pvt Ltd - 07999999999

Address New Delhi

Frequency Type Monthly

Current Charge Ward 0-Dealer ▼

Profile	Annexure 2A & 2B	Online Return	Goods Movement	Central Forms	Assessment Order
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Stock Detail (Enter Tax rate wise details of Stock in hand as on 31/03/2012)

Rate	Amount(in Rs.)
0%	<input type="text"/>
1%	<input type="text"/>
5%	<input type="text"/>
12.50%	<input type="text"/>
20%	<input type="text"/>
Total :	
<input type="button" value="Add"/>	

PARTICULARS OF STOCK

- ▶ How to fill?
- ▶ Only online submission
- ▶ Login To site by using Dealers login
- ▶ In profile Tab, Add Stock
- ▶ Tax rate wise , value to be given
- ▶ Only DVAT rates prevail not cst rates like goods purchased on C forms @2% has to be given as per prevailing local rates

PARTICULARS OF STOCK

- ▶ Stock on consignment also to be given
- ▶ WIP has to given as per finished goods rates
- ▶ Last Date for Stock as on 31-03-2012 is 31-10-2012
- ▶ For next years, on or before 30 th June of that year
- ▶ Failure leads to penalty of Rs.10000/- u/s 70(5) of DVAT 2004.

MISMATCH REPORT OF ANNEXURE 2A & 2B

- ▶ How to check mismatch report ?
- ▶ Login to site by using dealers login
- ▶ In annexure 2A & 2B tab, mismatch report
- ▶ Select the period month year & then view 2A report
- ▶ Refresh it while you check 2A & 2B mismatch report
- ▶ There are three types of report generated by the system
- ▶ Count shows no of entries of each type
- ▶ Minimum apparent penalty is Rs. 10000/-

HOW TO RECTIFY MISMATCH REPORT OF ANNEXURE 2A & 2B

- ▶ First of all check whether tin no, name & amt of all the parties from whom we made purchases had been correctly entered in annexure 2A
- ▶ If there is any apparent mistake rectify yours annexure 2A
- ▶ If TIN No , Name & all other fields are correct then obtain a copy of annexure 2B of the other party
- ▶ Check whether the other party has correctly filled our TIN No.

HOW TO RECTIFY MISMATCH REPORT OF ANNEXURE 2A & 2B

- ▶ If there is any apparent mistake request the other party to rectify there annexure 2B
- ▶ Check whether there is a need to revise the Sales Tax Return
- Last date of rectification for the month of April, June & July is 19th October 2012

TYPES OF REPORTS

Type 1

- No mismatch

Type 2

- Mismatch due to diff in amt recognised by us as purchase & amt recognised by the selling party as sale

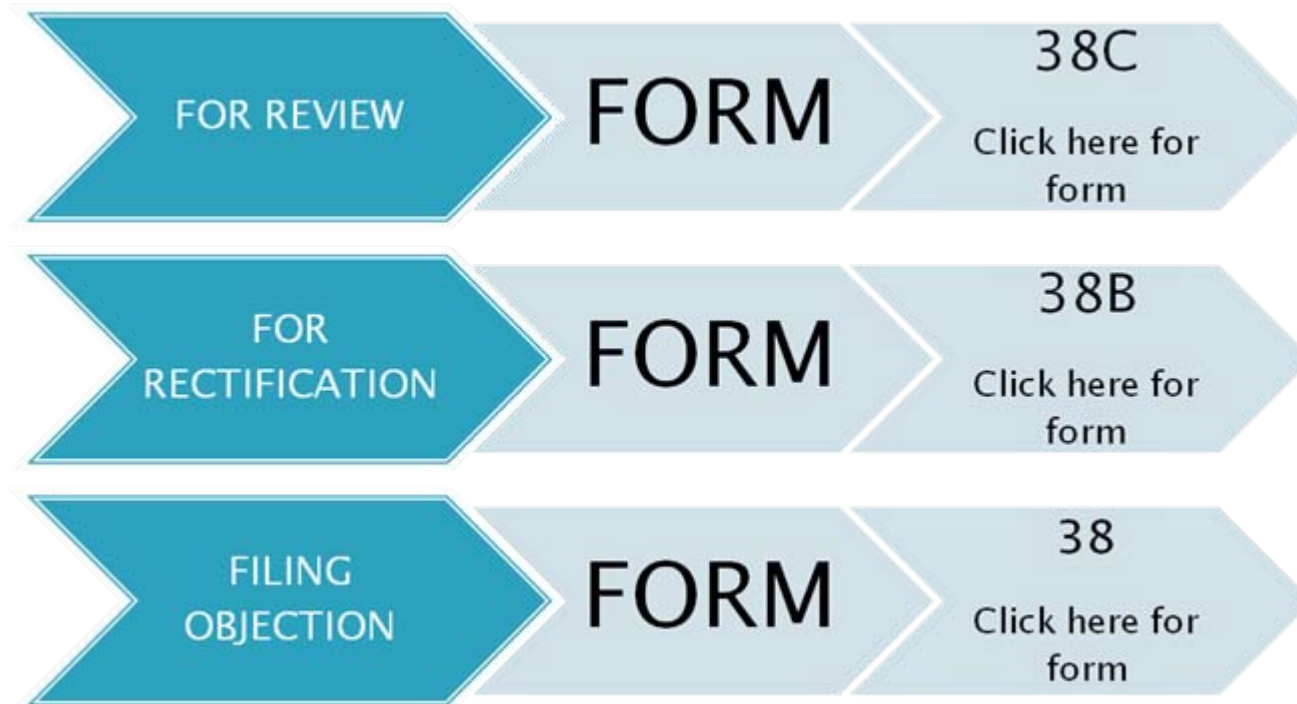
Type 3

- The selling party didn't recorded sale to us at all

IF MISTAKE IS ON PART OF DEPTT.

- ▶ If there is not any mistake on part of both the parties and mistake lies on part of deptt
- ▶ Then fill form no
 - DVAT 38C with in 30 days of receipt of order for review
 - DVAT 38B with in 60 days of receipt of order for rectification or
 - DVAT 38 with in 60 days of receipt of order for filing objection
 -
- ▶ To yours jurisdictional VATO along with an copy of
 - 1. Mismatch report
 - 2. Copy of annex 2A
 - 3. Copy of annex 2B of other party along with invoices
 - 4. Bank Statement
 - 5. Affidavite

FORM FOR RECTIFICATION OF MISMATCH



Form DVAT 38C
[See Rule 36B]

Application for review under section 74B

To,

.....
.....
.....

Subject: Application for review under sub-section (5) of section 74B

Sir,

I/We, the undersigned, hereby apply for review of the order as per the details given below:-

1. Name and address of the dealer :
.....
.....
2. TIN :
3. Order No. and date :
4. Order passed by :
5. The amount in dispute, if any :
6. Brief narration of the grounds :
on which the review is sought*
.....
.....

I/We, request you to consider the above mentioned facts and pass the necessary review order and also grant a stay for the recovery of the amount equal to the quantum of relief sought.

Yours faithfully,

Date:.....

Signature.....

Form DVAT 38B
[See Rule 36B]

Application for rectification under section 74B

To
.....
.....
.....

Subject : Application for rectification under sub-section (1) of section 74B

Sir,

I/We, the undersigned, hereby apply for rectification of the order as per the details given below:-

1. Name and address of the dealer :
-
-
2. TIN :
3. Order No. and date :
4. Order passed by :
5. The amount in dispute, if any :
6. Brief narration of the grounds :
- on which the rectification is sought*

le, request you to consider the above mentioned facts and pass the necessary rectification order and
o grant a stay for the recovery of the amount equal to the quantum of relief sought.

Yours faithfully,

le:.....

Signature.....

ce:.....

Name.....

Designation & status.....

* Annex a separate page, if necessary

Form DVAT 38
[See Rule 52]

Objection Form under Delhi Value Added Tax Act, 2004

NOTE :- All fields of this form should be filled properly and in case a field is not applicable please indicate - 'NA' - against that field

To

The _____

1. Registration Number / TIN
2. Full Name of the Dealer
3. Address
4. Contact Telephone Number(s)

5. Nature of objection
Please attach copy of Assessment, order or decision objected against
6. Tax period to which the objection pertains _____ / _____ / _____ to
DD / MM / YYYY
7. Number & Date of issue of Assessment order in DVAT 24/24A or any other order or decision objected against _____ / _____ / _____
DD / MM / YYYY
8. Date of service of Assessment, order or decision objected against _____ / _____ / _____
DD / MM / YYYY
9. Is the objection filed within time prescribed (Please tick) Yes
 No
10. If no in (9) above, attach Form DVAT 39.

11. Is the objection against an assessment? Yes No

12. If yes, then specify the amount of additional demand

13. Specify the amount of undisputed demand (Please attach proof of payment of said amount)

14. Specify the amount of said demand objected against

		Taxable turnover (Rs.)	Tax (Rs.) (i)	Interest (Rs.) (ii)	Penalty (Rs.) (iii)	Total (Rs.) (i + ii + iii)
As assessed	A					
As admitted by appellant	B					
Amount in dispute	A-B					

15. Whether the objection is under the provisions of section 74(2). (please one)

If yes, please give the following details:- Yes No

(i) Name of the authority against whose failure to decide or to issue any assessment or order the objection is being filed.

(ii) Date of filing the application or written request, if any, to the above named authority (Attach a copy thereof duly supported by proof of filing)

(iii) Specific date by which the matter was supposed to be disposed off in view of the limitations provided under the Act and rules made thereunder.

(iv) Other details, if any.

16. Do you want a hearing? Yes No

17. Please state fully and in detail the grounds on which you are objecting. This must be done even if you have requested for a hearing.

Attach additional sheet(s) in case you are not able to provide all details in this space

Attach all documents/ evidence that you want to be considered regarding your objection

18. Please annex the list of enclosures

19. Verification

I/We _____ hereby solemnly affirm and declare that the information given in this form and its attachments (if any) is true and correct to the best of my/our knowledge and belief and nothing has been concealed therefrom.

Authorised Signatory

Name

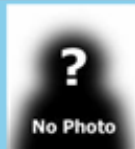
Designation/Status

Place

Date

FORM T2

[Home](#) | [Notice Regarding May Assessment](#) | [Change Password](#) | [My HelpDesk](#) | [Logout](#)



Name - ID A.B.C Pvt Ltd - 07999999999
Address New Delhi
Frequency Type Monthly
Current Charge Ward 203-Dealer

**Trade & Taxes
Department**

[Profile](#) | [Annexure 2A & 2B](#) | [Online Return](#) | [Goods Movement](#) | [Central Forms](#) | [Assessment Order](#) | [Online Forms](#) | [Payment Reconciliation](#)

T-2:

Invoice Details:-

Invoice No:* Date:* Total Invoice Amount*

Identity of Supplier:-

TIN :
Name :*
Address :*
City :*
State :*

Item Details:-

Total of Itemwise details should be equal to the amount of purchase as recorded in DVAT 30.

Name of Item*	Quantity*	Unit*	Rate*	Value*	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="button" value="Add More"/>
					Total Amount : 0

Dispatch Details:-

Place of Dispatch of Goods :*
Place of Delivery of Goods :*

Identity of Transporter:-

Name :*
Address :*
City :*
State :*
Vehicle No :* (Series) - (number)
GR No:*
GR Date:*

By CA Vijay Kumar Gupta

FORM T2 IN VAT

- ▶ How to fill?
- ▶ Only online submission
- ▶ Login To site by using Dealers login in “Goods Movement” tab, “Goods Movement details(T-2)”.
- ▶ Details of Invoice and Goods Receipt Note in respect of all goods received from outside Delhi, before the goods physically enter the boundary of Delhi.

FORM T2 IN VAT

- ▶ Also applicable for Tax free goods(only for registered dealer).
- ▶ Applicable for all kinds of
 - Interstate Sale
 - High Sea Sale
 - Stock Transfers
 - Sales Return
 - Goods received for Job Work
 - Goods received after Job Work
- ▶ Details to be given Goods Receipt Note(GR) wise and also Bill wise

SOME RELEVANT ISSUES IN FORM T2

ISSUE-1.

Whether the dealer has to intimate to the deptt. In form T2 about the goods purchased against C form from the local dealer ?

Good In Transit Bilty Transfer Case

Goods Purchased From Local Dealer

ANSWER TO ISSUE-1

- ▶ NO,
- ▶ The person who is importing goods from outside Delhi is liable to fill T2 form

SOME RELEVANT ISSUES IN FORM T2

ISSUE-2

Whether the dealer has to intimate to the deptt. In form T2 about the goods purchased against C form from the Central dealer ?

Good In Transit Bilty Transfer Case

Goods Purchased From Central Dealer

ANSWER TO ISSUE-2

- ▶ YES,
- ▶ The person who is importing goods from outside Delhi is liable to fill T2 form

SOME RELEVANT ISSUES IN FORM T2

ISSUE-3

Whether the dealer has to intimate to the deptt. In form T2 about the goods purchased against C form directly from any dealer ?

Good In Transit

Direct Supply Case/Bill To Ship To Case

ANSWER TO ISSUE-3

- ▶ YES,
- ▶ The person who is importing goods from outside Delhi is liable to fill T2 form

SOME RELEVANT ISSUES IN FORM T2

ISSUE-4

How the dealer has to intimate to the deptt. In form T2 about the goods purchased in bulk quantity where there are more than one Goods Receipt Note (GR) i.e Goods imported in more than one transport vehicles ?

Large Quantity Case

ANSWER TO ISSUE-4

If two or more GR for an invoice

- Separate T2 required

SOME RELEVANT ISSUES IN FORM T2

ISSUE-5

How the dealer has to intimate to the deptt. In form T2 about the goods purchased in Small quantities where there are more than one Invoice against a single Goods Receipt Note(GR) i.e Goods regarding various invoices imported in one transport vehicles ?

Small Quantity Case

ANSWER TO ISSUE-5

If two or more invoices and same GR

- Separate T2 required

SOME RELEVANT ISSUES IN FORM T2

ISSUE-6

How the dealer has to intimate to the deptt. In form T2 when vehicle is changed during the goods are in transit ?

Vehicle Change Case

ANSWER TO ISSUE-6

If GR also
changes

- File another T2
- Obtain certificate from the seller & transporter in this effect.
- Intimate this change to the deptt. before goods physically enter Delhi.

If only
Vehicle No.
Changes

- File separate T2
- Obtain certificate from the seller & transporter in this effect.
- Intimate this change to the deptt. before goods physically enter Delhi.

SOME RELEVANT ISSUES IN FORM T2

ISSUE-7

How the dealer has to intimate to the deptt.
In form T2 when goods are imported through
courier ?

Courier Case

ANSWER TO ISSUE-7

- ▶ Treat the courier receipt as Goods Receipt Note
- ▶ Left the vehicle No column blank (Deptt. Has not yet clarified the issue this is the personal opinion of author)

SOME RELEVANT ISSUES IN FORM T2

ISSUE-8

How the dealer has to intimate to the deptt.
In form T2 when goods are imported through
Airways ?

Air Way Transfer Case

ANSWER TO ISSUE-8

- ▶ Treat the Airway Freight No. as Goods Receipt Note(GR).
- ▶ Left the vehicle No column blank(Deptt. Has not yet clarified the issue this is the personal opinion of author)

SOME RELEVANT ISSUES IN FORM T2

ISSUE-9

How the dealer has to intimate to the deptt. In form T2 when goods are imported from outside India and goods are cleared from ICD Tuglakabad ?

High Sea/Import Purchase Directly
Landed into Delhi Case

ANSWER TO ISSUE-9

- ▶ Dealer should fill form T2 to avoid any adverse consequences.
- ▶ Department. has not yet clarified the issue but this is in the personal opinion of author.

POSTPONMENT OF APPLICABILITY OF FORM T2

- ▶ Applicability of form T2 has been postponed till 1st Jan 2013 wide Notification No.F.7(433)/Policy-II/VAT/2012/785-795, dated 23rd October 2012

CONSEQUENCES OF NOT FILING T2

- ▶ Failure leads to penalty of Rs.10000/- u/s 70(5) of DVAT 2004.
- ▶ Non compliance may lead to levy of penalty u/s 86(19) i.e. 40% of the goods.

EXTENSION IN DUE DATE FOR FILING DVAT 51 for FY 2011-12

- ▶ Department has extended due date of furnishing of Reconciliation return in DVAT-51 for all the four quarters of FY 2011-12 till 31st December wide Notification No. F.3(33)P-11 /VAT/Misc./2006/802-812 dated 25th October 2012.

EXTENSION IN DUE DATE FOR FILING ORIGINAL RETURN FOR 2ND QTR OF FY 2012-13

- ▶ Department has extended due date of furnishing of Online return for the 2nd quarter of FY 2012-13 till **16th November 2012** wide Notification No. F.7(420)POLICY/VAT/2011/813-820 dated **25th October 2012**.
- ▶ Date of Physical submission of online Returns is also extended till **19th November 2012**.

THANKS FOR YOUR
PATIENT HEARING

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