

**DEPARTMENT OF COMMERCIAL TAXES, KERALA
PROCEEDINGS OF THE AUTHORITY FOR CLARIFICATION
U/S.94 OF THE KERALA VALUE ADDED TAX ACT, 2003.**

Members present are:

1. V. Murukesh Kumar, Joint Commissioner (General), O/o.CCT, Tvpm.
2. Abdul Jabbar.V.K, Joint Commissioner (Audit & Inspection), O/o.CCT, Tvpm.
3. A. Asok Kumar, Deputy Commissioner (Internal Audit), O/o.CCT, Tvpm.

Sub: KVAT Act, 2003– Clarification U/s.94 – Form 21 J, Purchase Turnover and Extent of Refund – Orders Issued.

Read: Application from M/s Binani Zinc Limited, Binanipuram dated 7/4/2010.

ORDER No.C3/12955/10/CT DATED 7/7/2010.

1. M/s Binani Zinc Limited, Binanipuram has preferred an application U/s 94 of the Kerala Value Added Tax Act 2003 seeking clarification on whether the applicant is bound to produce Form 21 J for the entire purchase turnover on which the applicant is entitled to claim Input Tax Credit or only to the extent of refund amount.

2. The applicant is a manufacturer/dealer, purchasing goods from registered dealers within the State and has local sales, inter-state sales and stock transfers. For the un-availed portion of Input Tax available, the applicant claims refunds as per Rule 46 of the statute.

3. The applicant contends that refund claimed is restricted only to the proportionate input tax for the stock transfers effected by the company. For such refund, Form 21 J is filed. The said Form is complete in all aspects. Therefore, the refund U/s 13 would only be to the extent of input tax available for the goods stock transferred.

4. The applicant has requested clarification on the points:

- i. Whether the applicant is bound to produce Form 21 J for the entire purchase turnover on which the applicant is entitled to claim Input Tax Credit?
- ii. Whether the applicant is bound to produce Form 21 J only to the extent of refund amount?

5. The authorised representative of the applicant was heard and the contentions raised were examined.

6. The purpose of Form 21 J is for the assessing authority to get satisfied with himself that the input tax for which refund has been claimed, was actually paid. Other

Input Tax Credit available to the dealer is either availed or adjusted, and also, the dealer is bound to keep the tax invoices and records to prove the same. Going by the term **the tax in respect of which refund is claimed**, it is evident that the applicant has to produce Form 21 J only to the extent of refund amount.

The issues raised above are clarified accordingly.

V. Murukesh Kumar
Joint Commissioner (General)
O/o CCT

Abdul Jabbar. V.K.
Joint Commissioner (A&I)
O/o CCT

A. Asok Kumar
Deputy Commissioner (IA)
O/o CCT