

No.C1-23494/14/CT

Office of the Commissioner of
Commercial Taxes
Tax Towers, 8th Floor
Killipalam, Karamana – P.O.
Thiruvananthapuram 695002
Dtd.25-06-2015

CIRCULAR No.17 / 2015

Sub:- KVAT Act – Over assessment – Appeal allowed in favour of assessee refund of excess amount paid – Instructions – reg.

Ref:- Para 15 of the Eleventh Report of the Estimate Committee (2011-14).

The Estimate Committee has recommended that a provision is to be made to refund within a short period the excess amount, if any collected by way of "over assessments".

Best judgment and exparte assessments are the subject matter of the recommendation of the Estimate Committee while referring to "over assessments". Inevitably, such assessments may sometimes be construed as excessive.

If a dealer is aggrieved by an order passed by the assessing authority on the ground that it is a case of over assessment and prefers an appeal or revision against such assessments and the appellate / revisional authority allows the appeal in favour of the assessee, the amount paid in excess has to be refunded to him.

Henceforth, all assessing authorities shall dispose of such refund claims within two months from the date on which the dealer submitted all the relevant records, rectifying the defects if any pointed out.


COMMISSIONER