

Office of Prl Secretary & Commissioner

Kerala Goods and Services Taxes Department,

Govt of Kerala, Thiruvananthapuram

No CT/2969/2018	-C1
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Dated 25th Feb 2018

CIRCULAR No 4/2018

Sub:- KVAT Act 2003- Scrutiny and Assessment relating to Gold- - reg.

Government have set up the target of 25% revenue growth this financial year. It is observed that the revenue work progress is slow. Time and again Government has informed to take strategic actions to improve revenue by identifying potential areas and completing the priority cases. The Gold sector is one of the important areas to be examined in detail.

Random verification of assessment records relating to Gold dealers done in some of the districts revealed that the record keeping of the cases is very poor, statutory forms, certificates and statements as prescribed in KVAT Act and Rules to prove the veracity of claims have not been adduced. In majority of cases scrutiny and assessment not attempted. Wherever it is done, in many cases, irregularities were noticed in fixing compounded tax rate, computation of tax liability and even basic fact of eligibility for compounding. The officers have not taken serious efforts sending the notices to collect the statutory data/records/ returns/ information etc and the cases are going time bar. This could result in huge revenue losses to the State exchequer.

As GST is implemented, it is imperative that all pending VAT assessment especially in areas such as Gold should be completed in time bound manner to ensure that legitimate tax is remitted to Government. In order to streamline the scrutiny and assessment of Gold dealers the following instructions shall be meticulously followed and actions taken at district and officer level -

A. Strategy

- 1. Completion of assessment of various years from 2011 to 2016 in time series after completing each year separately.
- 2. Reopening of assessments upon noticing escapement.

B. Action Plan

a. Updation of assessment files.

Wherever the statutory returns/ records / information/ forms not filed, upon receiving them, the copy shall be kept in the assessment files and relevant data field to be noted in Gold Scrutiny Module. As and when scanners are provided to all the Circles, the submitted documents to be uploaded at relevant sections in the Module.

- b. Submission of the following statutory records
 - i. Returns
 - ii. Audited Statement
 - iii. Profit and Loss account and Balance sheet
 - iv. Closing stock inventory
 - v. OR/CR files (If any)
 - vi. Any other as Officer may deem fit as per the VAT Act.
- c. Other documents to be kept ready in files by the Assessing authorities are
 - i. Any other report of data mining, internal audit team, economic intelligence wing, CAG audit, O&M inspection
 - ii. Copies of appellate orders and orders passed on the basis of Appellate orders
 - iii. Replies filed in respect of Data mining cases, internal audit paras, CAG audit, Economic intelligence wing and O&M inspection notes

Organizing the works at the respective seats in the Circle -

- 1. List out all the live and cancelled gold compounded files -year wise and in descending order of tax payment.
- 2. Ensure that all the above dealers are included in the scrutiny module. If not, immediately inform the list of missing files to the

acitmc.ctd@kerala.gov.in marking copy to datamining.ctd@kerala.gov.in The assessing authority shall be solely responsible to ensure that all the gold compounded dealers' files are included in the scrutiny module. Dy Commissioner shall monitor the same.

- 3. A separate proceeding is issued giving guidelines regarding collection of relevant records as per the KVAT Act. Accordingly in all the cases the records gathering initiatives may be taken.
- 4. After receiving all the statutory information the scrutiny may be done in the Gold Scrutiny Module. If there is any balance payable compounded tax or cess, the system will show the details.
- 5. The Standard Operation Practice for Gold Scrutiny Module is appended as an Annexure I.
- 6. The proof of the data that entered in the module and which are not available in KVATIS or which is different from KVATIS shall be kept both as hard copy and soft copy which should be readily available for verification by the higher authorities.
- 7. For New branches started from 2014-15 onwards, assessment u/s 6 has to be completed along with the compounding assessment.
- 8. If the dealer has sales of any commodity other than gold, then the assessment of the same also shall be completed.
- 9. If there is any CST assessment, reverse tax due to stock transfer (out), then the assessment of the same also shall be completed.
- 10. If the permission for compounding is cancelled, steps may be taken to complete the assessment immediately.
- 11. The dealers pending assessment for entire assessment years shall be done at a stretch.
- 12. Assessing authorities should complete the assessments in chronological order. For eg: if there is any difference in compounded tax payable or turnover in one year, it should be reckoned for calculation in next year. Similarly, if the permission for compounding is cancelled and completed assessment u/s. 6, it should be reckoned for calculation in next year. As there is cascading effect on subsequent years.
- 13. No undue adjournment to be given for submission of statutory documents, as the dealers have already taken years, in some cases five years. More than two adjournments to be given only with permission of Dy Commissione based on genuine reasons.

- 14. The completed assessment orders to be passed and served in time. The notices and orders to be uploaded in Peer Review Module.
- 15. All supervisory officers shall give approval of draft notices and orders only after thorough verification of the details especially the data fed in the 'white fields' (Blank field) of the Gold Scrutiny Module comparing the same with the relevant submitted documents. The Assessing authority may use highlighter to indicate from where the figures have been peaked up and fed in the Scrutiny module at the time of submitting the draft seeking approval.
- 16. Dy Commissioners shall monitor submission of all statutory documents by the dealers in time.
- 17. The Deputy Commissioners shall monitor the progress of scrutiny and assessment. They shall report the same every week. The reporting format will be separately sent.
- 18. The Circular has stipulated broad strategy, methodology to organize the work in the office and various issues to be looked into, which is a guideline/Checklist. It is the responsibility of the Dy Commissioner and Assessing authority to ensure that all the statutory requirements as per the KVAT Act and Rules have been taken into consideration for completing the assessments and recovery of tax.

General instructions:

- 1. All Dy Commissioner shall ensure the follow up at the Circle level with all the assessing authorities and regularly report the progress done in the district.
- 2. All respective nodal officers of the districts shall monitor the actions taken by Assessing authorities at the circle and facilitate further.
- 3. From Head Quarter a special team shall do continuous supportive supervision.

Prl Secretary & Commissioner

Copy to -

All Jt Commissioners

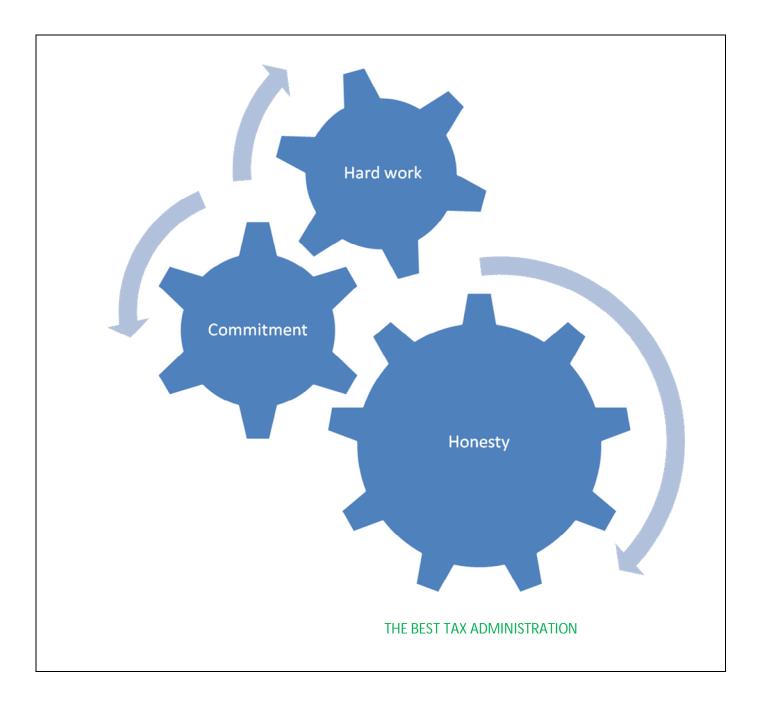
Page 4 of 5

All Dy Commissioners of the district

Dy Commissioner Internal Audit

C Section

Stock file.



SCRUTINY MODULE – GOLD

VERSION- I

STATE GST DEPARTMENT

GOVT OF KERALA

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Foreword:

What is the objective of the Department? Why do we exist as tax officials? The answer to these questions is revenue collection. The next question comes to mind is who pays taxes? The answer is PEOPLE. The poorest of the poor and the well to do, all have to pay indirect taxes upon buying any goods and availing any services. Do these people know that they pay taxes but the tax sits with the dealer and dealer is suppose to remit the collected tax to Government treasury?

Why people without any question pay taxes. Because they feel and believe that the Government is having an exclusive department to have oversight over these issues 'the State Department of Goods and Services Tax'. They have faith in the officers of the Department. The officers are entrusted with the mandate by the Act to ensure that the collected tax reaches to Government treasury. That is our primary responsibility. All the tax authorities are accountable to these taxpaying people.

Out of our plethora of works, the most important work is scrutiny of the filed returns and later assessments if there is short remittance of taxes. For scrutiny the officer have to go through multiple records and various data fields to do correlation. The process is very tedious and requires complete knowledge of laws and processes. Therefore, in order to bring in efficiency, an innovative SCRUTINY MODULE SOFTWARE is developed. This software is having algorithm as per the Laws and Rules. It is easy to operate. The way we do scrutiny, in the same flow the steps have been structured in the module. The officer needs to do data feeding in the white fields and automatically the calculations are done and the output i.e. Turnover calculation and Tax figures are received. The data feeding is to be done from the statutory documents by keeping the copy of the same in the Assessment file. Based on the output, wherever needed further hearing is to be conducted and assessment can be finalized by giving full opportunity to the Dealers. This is the way the scrutiny and assessments will be completed as per the law.

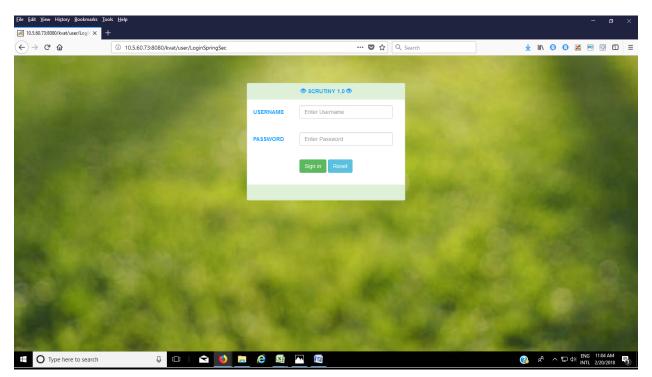
In order to further facilitate this work, it was felt that the best practices in health sector to have Standard Operation Practices (SoP) to be introduced in the tax administration. With this thinking, this SoP for Gold Scrutiny is drafted. All officers may study the SoP and keep it handy while working on the Gold Scrutiny Module.

I have no doubts that we will succeed in doing the work professionally as planned and this will be a GOLD STANDARD for completing the VAT works with utmost efficiency. I urge all the officers to take efforts to mitigate the small problems then and there. You may study the module and give your suggestions to improve the system.

Dr Rajan Khobragade

Prl Secretary & Commissioner

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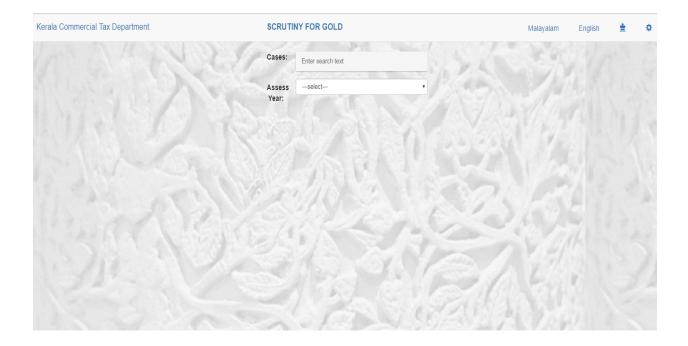


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Sample Pages			

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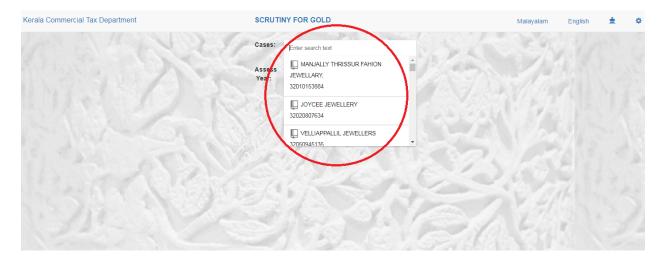


In this page you are provided a dropdown for selecting an assessment year for which we need to do the scrutiny for gold.

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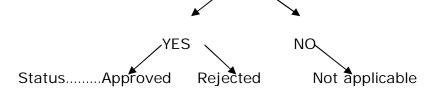
All the dealers of selected assessment year would get listed from which we have to select the required dealer.



Select the dealer.

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Whether the dealer has filed application for compounding



Continue...

If Status is "rejected" or "Not applicable", the eligibility for compounding is displayed as "No". The scrutiny is over and the data will be saved automatically. The assessing authority has to proceed for assessment under section 6 of KVAT ACT 2003.

If Status is approved.

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Answer the question whether compounding opted to previous year YES/ NO.

If yes

The details of selected dealer will be displayed as shown below.

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1b	Whether the dealer has filed application for compounding on or before due date? (YES/N	10)	YES						
1c	Status of application		Approved 21/04/2006						
1	Date of registration								
2	Eligible to Compound	YES							
3	Whether Compounding opted for previous year		Yes						
6	No. of business places other than godown at the starting of the year		No. of business places other than godown at the starting of busine:						
7	No. of branches started during the year		No. of branches s	Can edit these two columns, if needed					
8	Total sales turnover for the previous year		2026807						
9	Tax due/paid (Actual demand) for the previous year		145597						
27	Total Tax Payable (If compounded tax is less than or equal to the collected tax and is less collectable tax - collected tax minus deduction on account of closure of business, if any tax plus illegal collection of tax, if any minus deduction on account of closure of business	Others - compounded	Total Tax Payable						

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	37	Whether permission for compounding is to be cancelled for this year? (Yes/No)	select	~		
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If, Interstate sales T.O of gold jewellery & Bullion is greater than Zero- Answer to question "*Whether assessed under the CST ACT*" ? is to be entered as **YES or NO**. If, Interstate sales T.O of gold jewellery & Bullion is Zero-Answer to question "*Whether assessed under the CST ACT* ?" is to be entered as "**Not Applicable**".

If, Interstate stock Transfer (OUT) of gold jewellery & Bullion is greater than Zero-Answer to question "<u>Whether the Interstate stock Transfer (OUT) assessed and</u> <u>collected reverse tax, if any ?"</u> is to be entered as "YES, NO or Not applicable". ie, if there is no need to assess and collect reverse tax-enter Not Applicable. If, Interstate stock Transfer (OUT) of gold jewellery & Bullion is Zero Answer to question <u>Whether the Interstate stock Transfer (OUT) assessed and collected</u> <u>reverse tax, if any ?</u> is to be entered as Not Applicable.

If answer to the question "<u>Whether permission for compounding is to be cancelled</u> <u>for this year?</u>" is **YES**, then answer to the next question "<u>Whether permission is</u> <u>cancelled and completed assessment under section 6 KVAT ACT</u>?" is **YES or NO**.

If answer to the question "<u>Whether permission for compounding is to be cancelled</u> <u>for this year?</u>" **is NO**, then answer to the next question "<u>Whether permission is</u> <u>cancelled</u> <u>and</u> <u>completed</u> <u>assessment</u> <u>under</u> <u>section</u> <u>6</u> <u>KVAT</u> <u>ACT?</u>" **is Not applicable**.

Complete all the fields, and then proceed.

The following fields have to be filled or edited in the given order from top to bottom. This is because, after completion of the fields it will be auto locked.

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The scrutiny is over. After completing the scrutiny if the assessing authority finds any wrong entry in the module, don't make submission. Refresh (press F5 button) and enter afresh.

If answer to any of the questions <u>Whether assessed under the CST ACT ?</u>, <u>Whether</u> <u>the Interstate stock Transfer (OUT) assessed and collected reverse tax, if any ? and</u> <u>Whether permission is cancelled and completed assessment under section 6 KVAT</u> <u>ACT?</u> are "**No**", don't make submission . Refresh (press F5 button). Steps may be taken to make the answer "Yes" and then proceed.

If the assessing authority enters "**NO**" to the question "<u>Whether permission for</u> <u>compounding is to be cancelled for this year?</u>" and subsequently while analyzing the stock and sales turnover, he finds that the permission is to be cancelled, then don't make submission. Refresh (press F5 button) and enter afresh.

SI.No	Verification Point 🛛	Figure to be entered	Entered Figure 🛛	Difference	Description	Proof Upload
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		Form.10DA-B) 0		enter the description		
		b)Net sales as per Audited statement in Form 13A-PART-B				
		2400703				click here to upload the proof

Next steps for submission.

Enter the reason for difference and action taken in the description field. If there is no difference, enter as **Not applicable** in the description column.

Click the choose file button to upload the proof.

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2	tax fixed for the year	nual return in Form.10DA-B nded tax collected.	0	to be calculated		*	G2 Upload Choose File No file ch	iosen	

When we click on choose file button a popup for file will be shown and we can open any document from the PC to upload it. After opening a document, name of selected file will be displayed in the side of <u>choose file button</u>. If there is more than one file to upload for a particular difference, first prepare a ZIP file and then upload.

It is important to note that description field is mandatory for final submission.

Click the submit button at the bottom to submit the details entered.

		c)Subsequent years Audited st Opening balance 1885151.23						
4	Closing stock valuation	a)Market value. 33344 b)Cost price 453454	453454	420110	dsdsad	*	G4 Upload Choose File testing.png	
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Click on OK button for reconfirmation asked by the page to submit the details.

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		b) Compounded tax collected. 0 c) Tax rate mentioned in SI.No.10 multiplied by SL.No.9 0 d)Tax arrived on the basis of turnor 0	ver	Cancel				
3	Closing Stock	Audited statement. 1886151.23 b)Closing stock inventory. 0 c)Subsequent years Audited st Opening balance 1886151.23	1885151.23	1885151.23	asdsad 99 v	G3 Upload Choose File testing.png		
4	Closing stock valuation	a)Market value. 333445546 b)Cost price 453454	333445546	332992092	dsdsad fg ▼	G4 Upload Choose File testing.png		

Wait for some time till the saved successfully message is displayed. Click OK to redirect to scrutiny for gold page.

The assessing authority can ascertain the balance tax/cess payable from the fields shown below.

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9	Tax due/paid (Actual dema	and) for the previous year					145597			
27	collectable tax - collected	bounded tax is less than or e tax minus deduction on acco of tax, if any minus deduction	ount of closure of busi	ness, if any	/. Others - cor		Total Tax Pa	iyable		
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Scrutiny for the years from 2011-12 to 2016-17 can be done using this module. Procedure for all years are same . The edit field are also same and is listed below .

- 1. Total sales T.O for the previous year
- 2. Tax due/paid (Actual demand) for the previous year
- Total sales a)Actual sales T.O fixed for the month(as per Annual return in Form.10DA)
- 4. Total sales b) Net sales as per Audited statement in Form 13A-PART-B
- 5. Total sales d) Net sales estimated based on 13 & 13A(Total cost of goods meant for sale + G.P C.S)

2011-12 Answer to the question whether compounding opted to previous year is "No", there are some more additional fields.

12	No of days having business in 2008-2009 year	No of days having business in 2008-2009 year
13	Net tax payable in 2008-2009	Net tax payable in 2008-2009
14	No of days having business in 2009-2010 year	No of days having business in 2009-2010 year
15	Net tax payable in 2009-2010 year	Net tax payable in 2009-2010 year
16	No of days having business in 2010-2011 year	No of days having business in 2010-2011 year
17	OPT payable in 2010-2011 year	OPT payable in 2010-2011 year

No of days having business vaires from 0 to 365. Enter correct number of working days. ie if the business start in between the financial year, then that number of days having no business should be deducted from 365. If the business is closed for a period during the year that number of days has also to be deducted.

Module for 2012-13 is same as that of 2011-12.

In Module for 2013-14, there are Two types.

First type- If No is the answer to the question , whether reopted for compounding as per Circular 7/2014, then the module is same as that of 2011-12.

2	Eligible to Compound	YES
21	Whether reopted for compunding as per Circular No. 7/14	NO

Second type- If the answer to the question is **YES**, there are some more additional questions.

21	Whether reopted for compunding as per Circular No. 7/14	YES
3	Whether Compounding opted for previous year	Yes
22a	Total turnover (Sales TO + 6(2)Purchase TO) for previous year	Enter total sales turnover
23	Dealer continously paying compounding tax(counting from previous years backwards)	select
24	No. of branches closes during the year	Enter no of branches closes dur
25	How many monthly installment due from next month of closure (enter sum of that of all closed branches)(eg:- Suppose a branch closed during december, then consider the remaining three monthly installment)	Enter no of full month for which

For the question ,Dealer continuously paying compounding tax(counting from previous years backwards), there is three choices.

23	Dealer continously paying compounding tax(counting from previous years backwards)	select
24	No. of branches closes during the year	select For last 5 years For last 3 years
05		Others

No. of branches closed during the year- The assessing authority should bear in mind that the branches that are closed from 1^{st} April 2013 to 31^{st} march 2014should only be taken into account.

How many monthly installment due from next month of closure (enter sum of that of all closed branches)(eg: - Suppose a branch closed during December, then consider the remaining three monthly installment)

Eg. If the dealer has closed two branches one in June and the other in December, then enter sum of 9 and 3, ie 12.

For the year 2014-15, the module is same as Module for 2013-14 Second Type.

If the dealer has started new branches in that year, shown a result as



Note: If there is new branches from 2014-15 onwards, the above criteria is displayed. The assessing authority should be completed the assessment for those branches for these years.

For the year 2015-16 & 2016-17, the module is same as Module for 2014-15, there are differences in some questions.

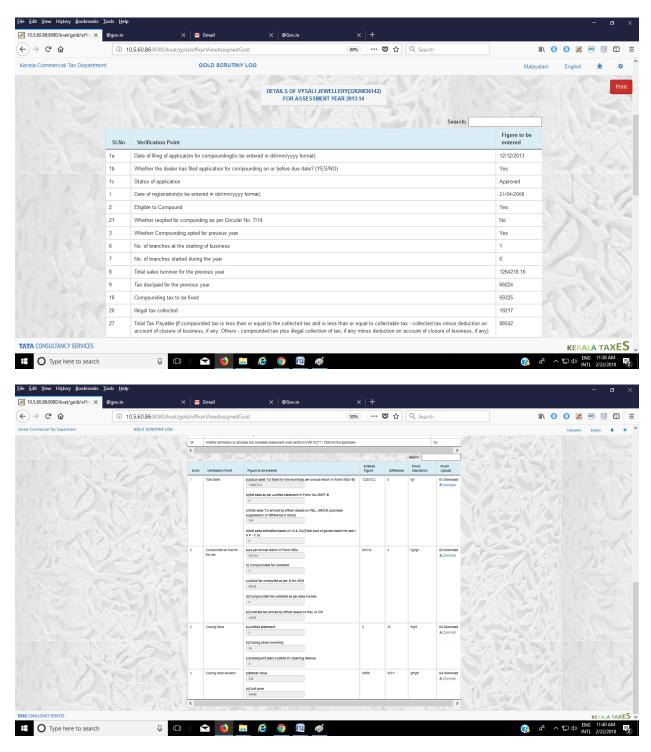
8	Total sales turnover for the previous year(include sales TO of branches that are not compounded as per Finance Act 2014)	773918
9	Tax due/paid for the previous year(include tax payable of branches that are not compounded as per Finance Act 2014)	20795

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How can we see the log of scrutiny completed case?

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	SI.No	Dealer	Assmt Year	Completed Date	Mismatch Amount	View Details				
	1	VYSALI JEWELLERY	2013-14	21-02-2018	Rs.54346	View Details	2	-	_	
	2	PAZHEMADOM JEWEL PALACE	2013-14	21-02-2018	Rs.0	Selecta ca	ase-		-	1
	3	NAS JEWELLERY	2013-14	21-02-2018	Rs.138033	click here)
	4	SREEKRISHNA JEWELLERY TOOLS, PH 9388103595	2013-14	21-02-2018	Rs.4108718	View Details	2	/	/	
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Scroll down. We can see the details.



If you want to print the details. Click print button.

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		Search:	
	SI.No	Verification Point	Figure to be entered
	1a	Date of filing of application for compounding(to be entered in dd/mm/yyyy format)	12/12/2013
	1b	Whether the dealer has filed application for compounding on or before due date? (YES/NO)	Yes
	1c	Status of application	Approved
	1	Date of registration(to be entered in dd/mm/yyyy format)	21/04/2006
	2	Eligible to Compound	Yes
	21	Whether reopted for compunding as per Circular No. 7/14	No
	3	Whether Compounding opted for previous year	Yes
	6	No. of branches at the starting of business	1
	7	No. of branches started during the year	0
	8	Total sales turnover for the previous year	1264218.16
	9	Tax due/paid for the previous year	66024
	18	Compounding tax to be fixed	69325
	20	Illegal tax collected	19217
	27	Total Tax Payable (if compounded tax is less than or equal to the collected tax and is less than or equal to collectable tax - collected tax minus deduction on account of closure of business, if any. Others - compounded tax plus illegal collection of tax, if any minus deduction on account of closure of business, if any)	88542

Prl Secretary & Commissioner