

Office of the Prl secretary & Commissioner

Kerala Goods and Services Tax Department

Govt. Of Kerala, Thiruvananthapuram

No. CT/2969/2018-C1	Dated. 26 th May 2018
Circular No 13/2018 Sub:- KVAT Act 2003- Scrutiny and Assessment of Presumptive dealers and Amnesty Scheme -Reg.	

The Report of the Comptroller and Auditor General of India on the effectiveness of Kerala Value Added Tax Information System (KVATIS) in the Tax Administration of Commercial Taxes Department, Government of Kerala (Report No.7 of the year 2014, Chapter-II,para 2.3.3.2) has made an observation that "The Presumptive tax paying dealers continue to pay tax at presumptive rate by keeping the turnover below the limit of Rs.50lakh/60 lakh per year. The CAG has pointed out many other aspects with respect to the Presumptive Tax Dealers.

On the basis of the CAG findings, and also the routine scrutiny of files by the assessing authorities across the state revealed various irregularities, it was decided to conduct scrutiny of entire PIN dealers' files to ascertain disclosure of purchase. The volume of purchase turnover suppression (based on cross verification of local purchase) emerged was huge.

Subsequently the Government has announced an amnesty scheme for Presumptive Tax Dealers.

Hence in order to help the Assessing authorities to complete the assessments in a time bound manner, a scrutiny module for Presumptive tax assessment is developed by the Department. As GST is implemented, it is imperative that all pending VAT assessments should be completed in time bound manner to ensure that legitimate tax is remitted to the Government exchequer.

In order to streamline the scrutiny and assessment of Presumptive dealers, the following instructions shall be meticulously followed and actions shall be taken at district level by Dy Commissioner and at field level by the respective officers:-

A. Strategy

- 1. Completion of assessment of various years from 2011 to 2016 in time series after completing each year separately.
- 2. Take action as per the KVAT Acts and Rules

B. Action Plan

- Updation of assessment files- Wherever the statutory returns/records/information/forms etc upon receiving them, the copy shall be kept in the assessment files and relevant data field to be noted in the Scrutiny Module.
- 2. Submission of statutory records like returns, OR/CR files(if any), any other as the Officer may deem fit as per the KVAT Act.
- 3. Other documents to be kept ready in files by the Assessing authorities are:
- a) Any other report of the data mining, internal audit team, economic intelligence wing, CAG audit, O&M inspection.
- b) Copies of the appellate Orders and Orders passed on the basis of the Appellate Orders.
- c) Replies filed in respect of Data Mining cases, internal audit paras, CAG audit, Economic Intelligence Wing and O&M inspection notes.

C. Organizing the works at the respective seats in the Circle.

- 1. List out all the live and cancelled Presumptive dealers 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 the missing files to the email address ScMpt.ctd@kerala.gov.in. The assessing authority shall be solely responsible to ensure that all the Presumptive dealers files are included in the Scrutiny module. It is very important, otherwise the dealer may lose the opportunity to opt for the amnesty declared by the Government. Deputy Commissioner shall monitor the same.
- 3. The records gathering initiatives shall be taken appropriately for which general guidelines are already issued.

- 4. After receiving the statutory information the scrutiny shall be done in the Presumptive Scrutiny Module. If there is any balance payable tax or cess, the system will show the details.
- 5. The Standard operation Practice for Presumptive scrutiny Module is appended as Annexure-I.
- 6. The dealers pending assessment for the entire assessment years shall be done at a stretch.
- 7. The Assessing authorities shall complete the assessments in chronological order as per KVAT Act and Rules.
- 8. No undue adjournments to be given for submission of returns or other relevant records, as the dealer have already taken years, in some case five years. More than two adjournments to be given only with the permission of the Deputy Commissioner based on genuine reasons.
- 9. The completed assessment orders to be passed and served in time. The notices and orders to be uploaded in the Module.
- 10. All supervisory officers shall give approval of draft notices and orders only after thorough verification of the details especially the data fed in the 'blank fields' of the Presumptive 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.
- 11. Deputy Commissioners shall monitor submission of all statutory documents of the dealers in time.
- 12. 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.
- 13. The Circular has stipulated broad strategy, methodology to organize the work in the office and various issues to be looked into, which is a guidelie/Checklist. It is the responsibility of the Deputy Commissioner and the 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.

D. General Instructions

- All Deputy Commissioners 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 the Assessing authorities at the Circle and facilitate further.
- 3. From Head Quarter a special team shall do continuous supportive supervision.

E. Instructions regarding Amnesty

- The Government has announced Amnesty scheme for the Presumptive Tax dealers. The assessments are mandatory before applying for amnesty, hence the above module may be used efficiently.
- Along with the Pre Assessment notice the print of amnesty calculation also may be given to encourage the dealers to opt for amnesty immediately as there is a specified time period 30th June 2018 to submit applications for amnesty.
- 3. It is the responsibility of Dy Commissioners to ensure that along with the Assessment orders the amnesty calculations are informed to the Dealer so as to enable the dealer to understand their actual tax liability and the amnesty amount as per the amnesty scheme declared by the Government.

Pri secretary & Commissioner

Copy to:

Addl Commissioner

All Jt. Commissioners

All Deputy Commissioners of the districts

Deputy Commissioner (Internal Audit)

C Section/Stock file.



SCRUTINY MODULE - PRESUMPTIVE TAX DEALERS

(ScMpt)

VERSION-I

STATE GST DEPARTMENT GOVT OF KERALA

<u>Index</u>

1.	Foreword	. 3
2.	General instructions regarding ScM for Presumptive Tax Dealers	.5
3.	Various steps	.7

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 services. Do these people know that they pay taxes but the tax sits with the dealer and dealer is legally bound 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. This 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 blank 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 ScM for Presumptive Tax Dealers is drafted. All officers may study the SoP and keep it handy while working on the Scrutiny Module for Presumptive Tax dealers.

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

General Instructions regarding Scrutiny Module for

Presumptive Tax Dealers (ScMpt)

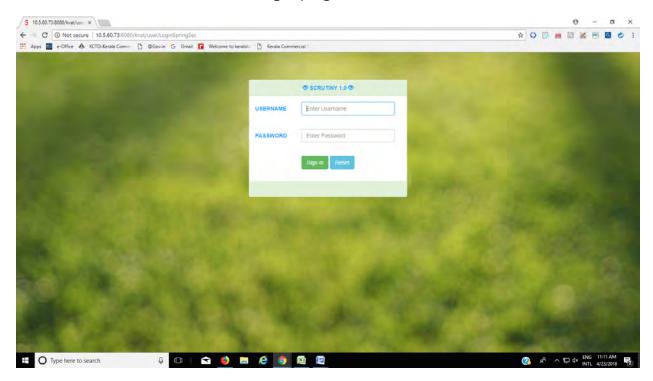
All the supervisory officers and assessing authorities at the field may note that-

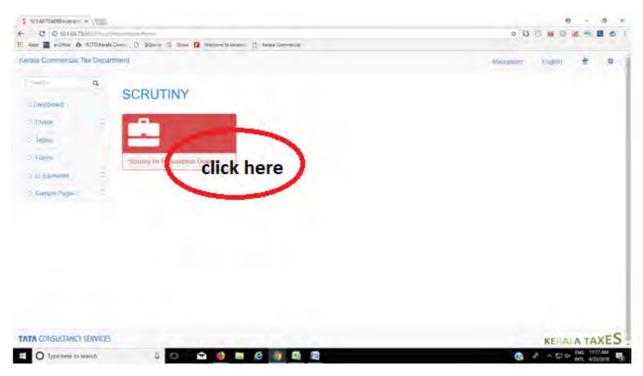
- 1) The module is for the scrutiny of presumptive dealers, other than Medicine dealer (1st proviso to Sec.8(e)) and petroleum dealer.
- 2) Officer may get well acquainted with the Act and Rules relating to presumptive tax dealers before using the scrutiny module.
- 3) Officer may thoroughly go through the SoP with regard to Presumptive scrutiny module (SoP for ScMpt) before using the scrutiny module,.
- 4) Fill the columns carefully. While computing the total sales turnover, stock analysis should also be considered along with sale/purchase suppression aspect.
- 5) The Assessing authority while conducting book verification and processing of records allow eligible turnover exemption, reduction in tax rate and eligible input tax credit to the dealer. In case of purchase suppression detected, the commodity is not identifiable, then the tax is calculated at the RNR for taxable turnover which comes outside the purview of presumptive eligibility. The supporting proof shall be obtained and kept in file.
- 6) The description column should be filled properly.
- 7) The username and password is common for all Scrutiny Modules. The same user name and password shall be used for Scrutiny Module for Presumptive dealers. The login and password shall not be shared with anyone by the officers.
- 8) Any other quarries regarding Presumptive Scrutiny module should only be send to email id ScMpt.ctd@kerala.gov.in
- 9) Utmost care should be taken before submission. Once submitted, the scrutiny already done and submitted cannot be cancelled. In such scenario, it has to be done manually and the notice, Order and supporting proofs shall be uploaded. The reason for wrong submission shall be intimated to the Deputy Commissioner, who in turn will verify the reason for wrong submission and will inform the same to ScMpt.ctd@kerala.gov.in with a copy marked to the Commissioner.
- 10)The amount payable under Amnesty Scheme for eligible Assessment year has been shown at the end of the Scrutiny Report. The Assessing authority along with pre assessment Notice shall intimate the dealer the amount payable under Amnesty Scheme. Under no circumstances pre

- assessment notice without Amnesty calculations shall be served to the Dealer.
- 11)It is also informed herewith that before submission of in the ScM, the assessing authorities shall take the printout of scrutiny reports and shall file in the assessment files.
- 12) The Dy Commissioner/ IAC shall give the approval to the Pre Assessment notice and final order only after verifying hard copy of the Scrutiny Report.
- 13)The Department shall do awareness campaign to orient all the Presumptive Tax Dealers regarding the amnesty calculations.
- 14) Dy Commissioner may locally inform all the Dealers to make use of Government declared amnesty to Presumptive Tax Dealers.

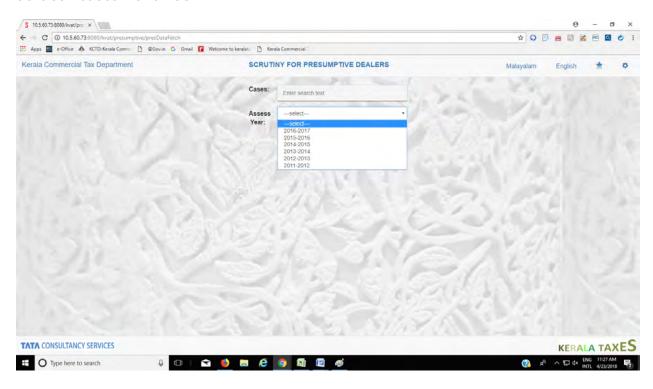
SCRUTINY MODULE FOR PRESUMPTIVE TAX DEALERS (ScMpt) for 2011 to 2016

Enter the url 10.5.60.73:8080. In Login page, enter User Name and Password.

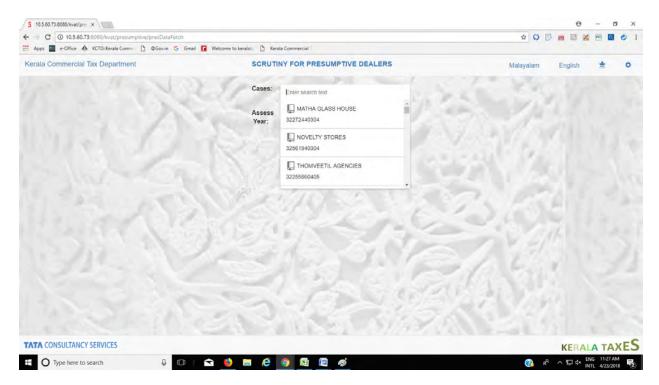




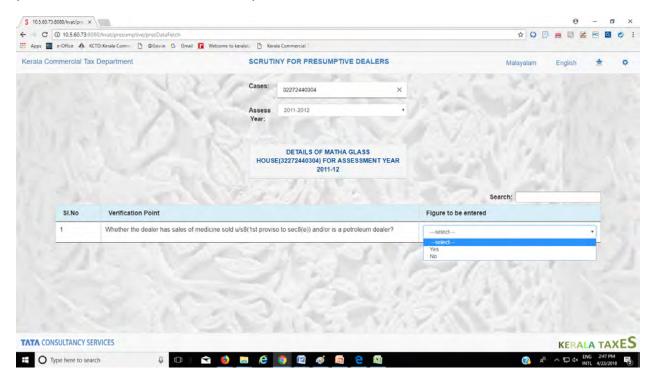
Select Assessment Year



Select Dealer

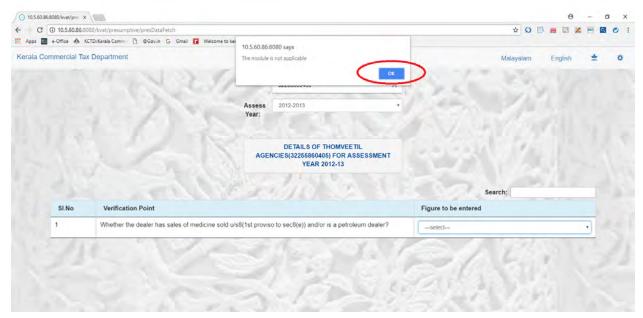


Answer the question Whether the dealer has sales of medicine sold u/s8(1st proviso to sec8(e)) and/or is a petroleum dealer? Yes or No.

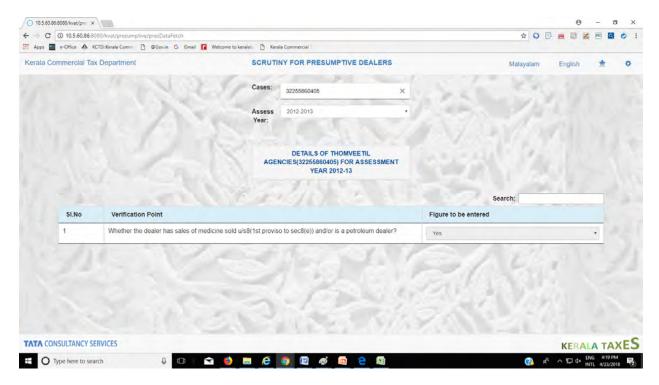


<u>A) Whether the dealer has sales of medicine sold u/s8 (1st proviso to sec8(e)) and/or is a petroleum dealer?</u> **Yes**.

Result is as follows. The module is not applicable.



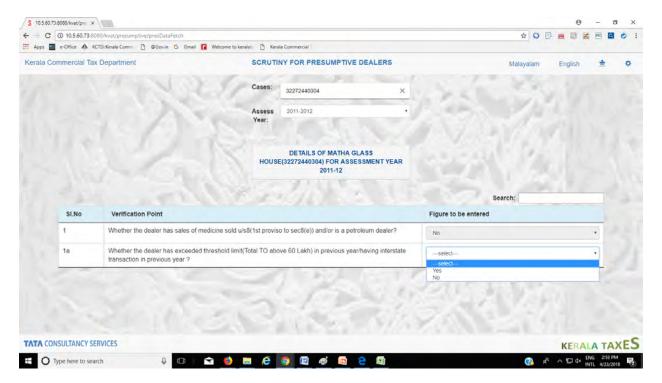
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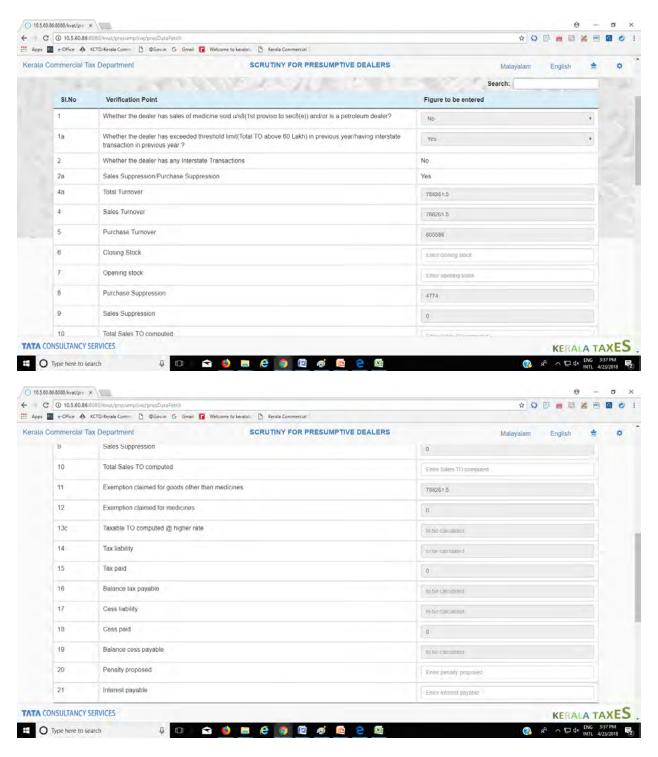
The scrutiny is completed.

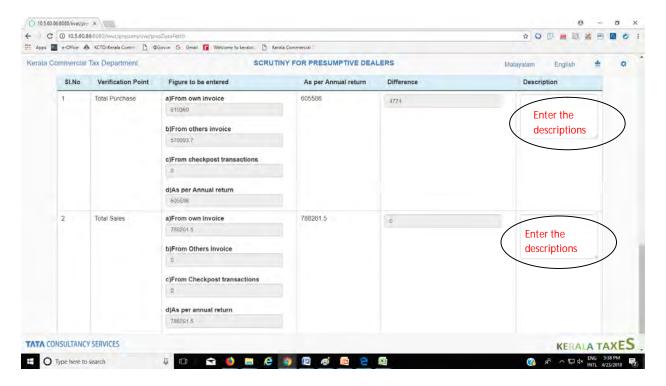
Whether the dealer has sales of medicine sold u/s8(1st proviso to sec8(e)) and/or is a petroleum dealer? **No**

Answer the question Whether the dealer has exceeded threshold limit(Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? Yes/No



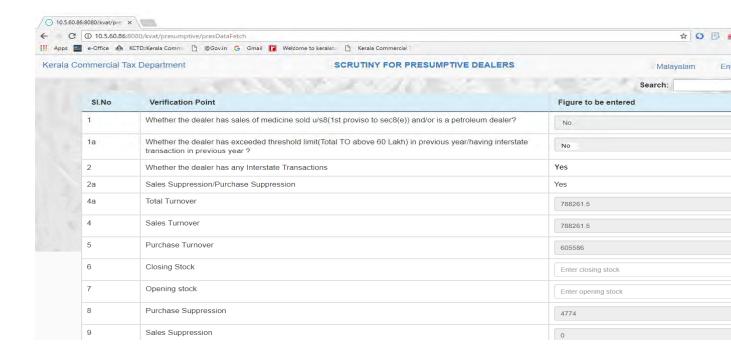
B) Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **Yes**

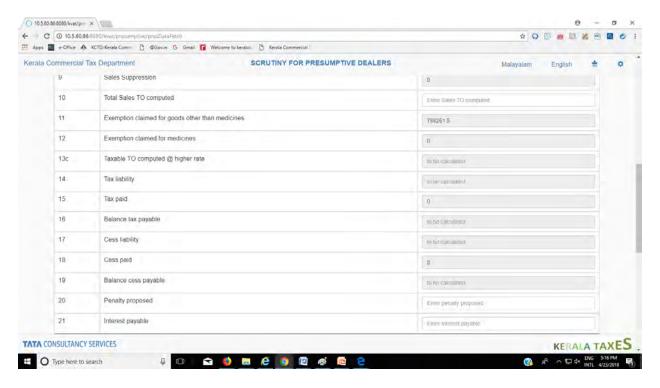


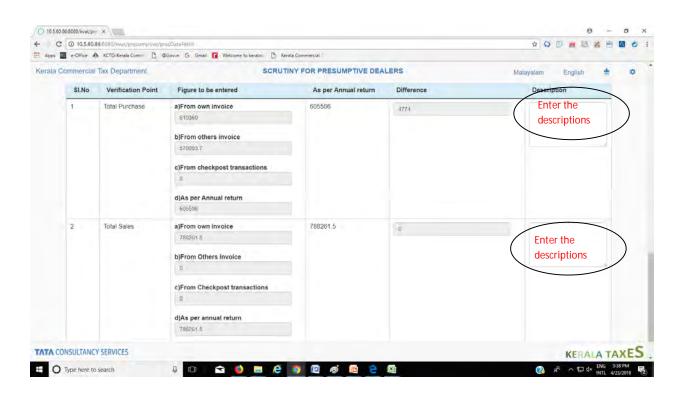


c) Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **No**

If Interstate transaction Yes, Purchase/Sales suppression Yes

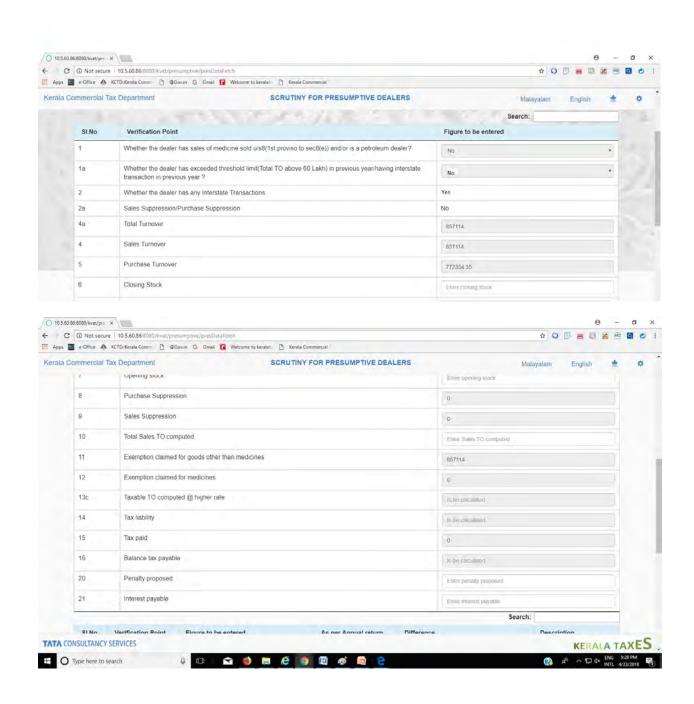


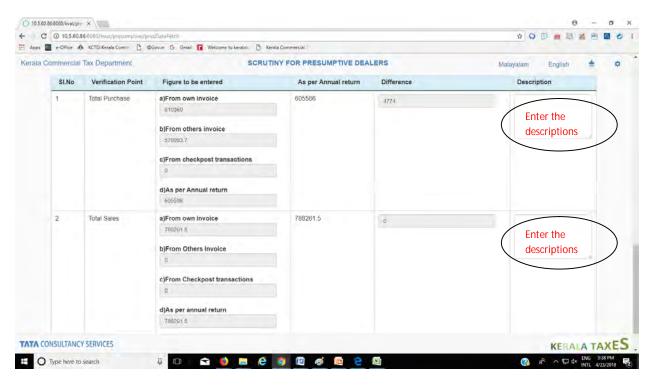




<u>py</u> Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **No**

If Interstate transaction Yes, Purchase/Sales suppression No

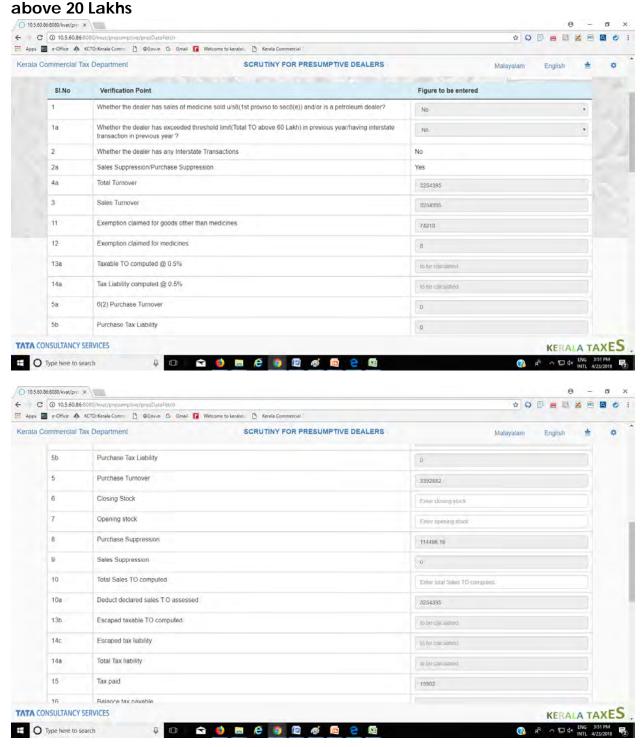


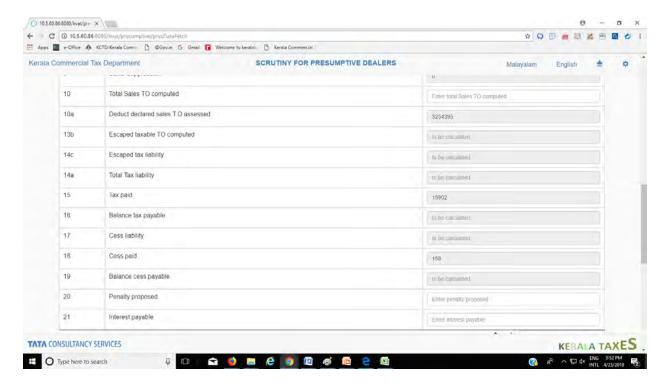


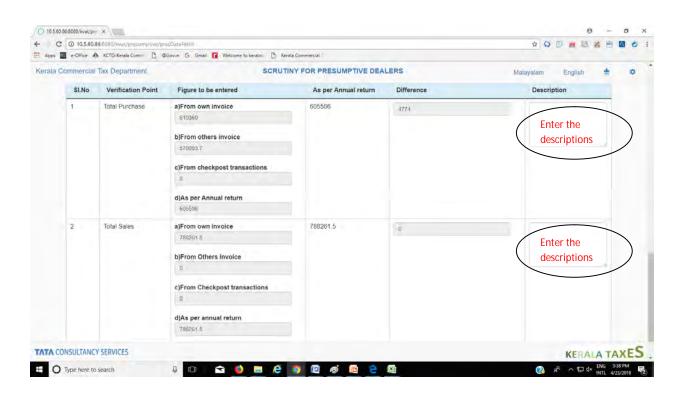
E) Whether the dealer has exceeded threshold limit(Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? No

Interstate transaction, No

Purchase/ Sales suppression **Yes** and Total Turnover **below 60 Lakhs and**



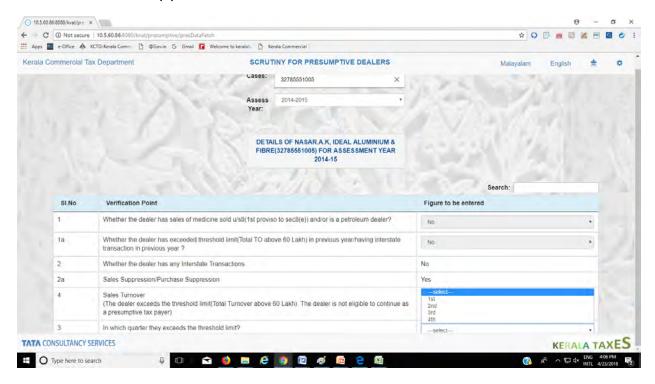




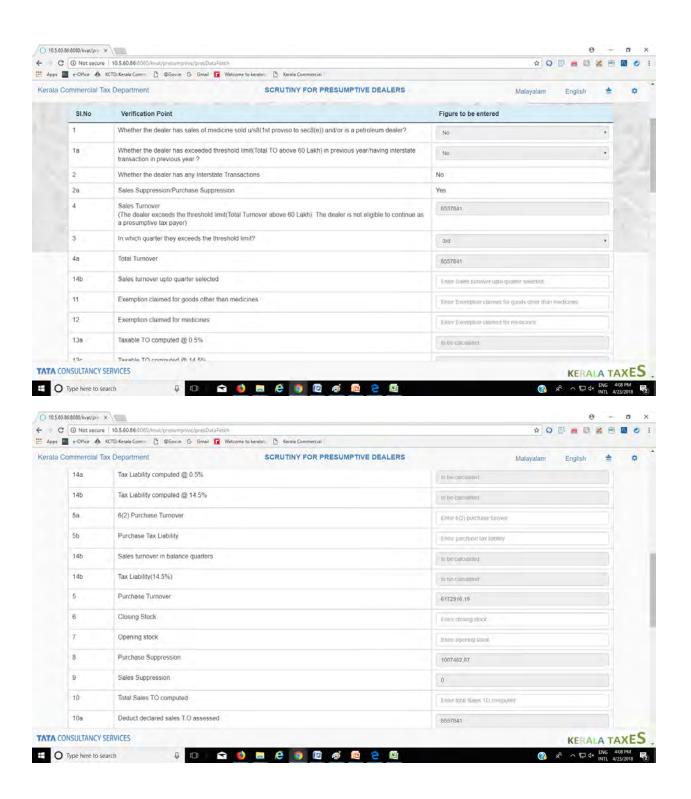
F) Whether the dealer has exceeded threshold limit(Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **No**

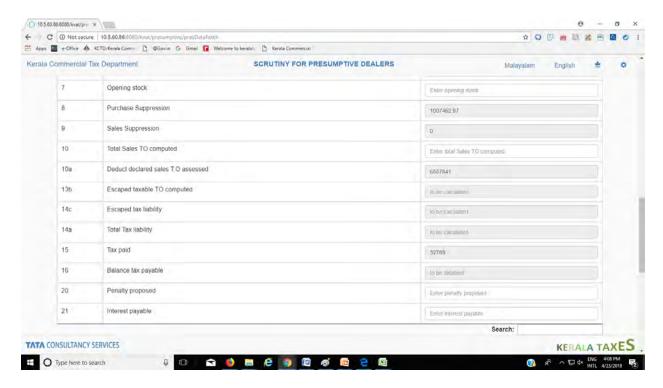
Interstate transaction, No

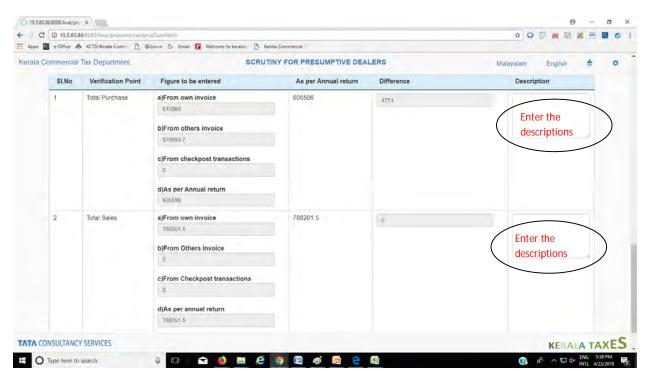
Purchase/ Sales suppression Yes and Total Turnover above 60 Lakhs.



First enter in which quarter he has exceeded the threshold limit.(Total Turnover 60Lakhs)



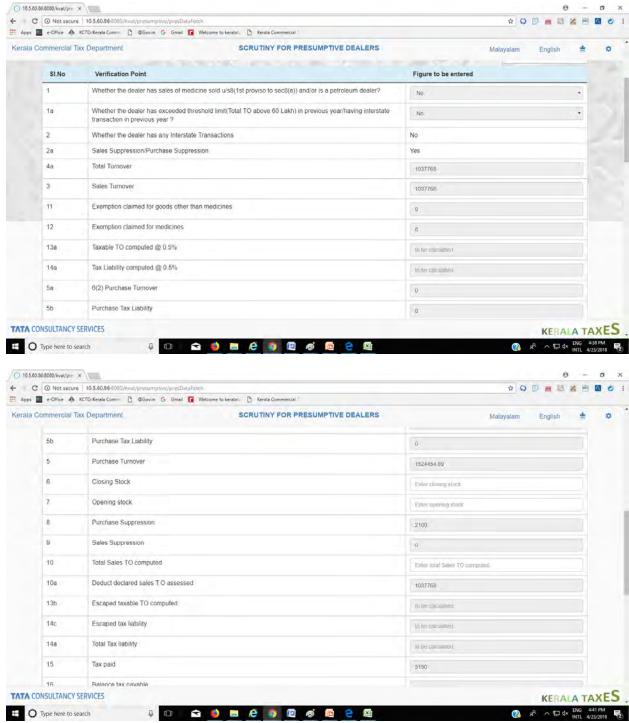


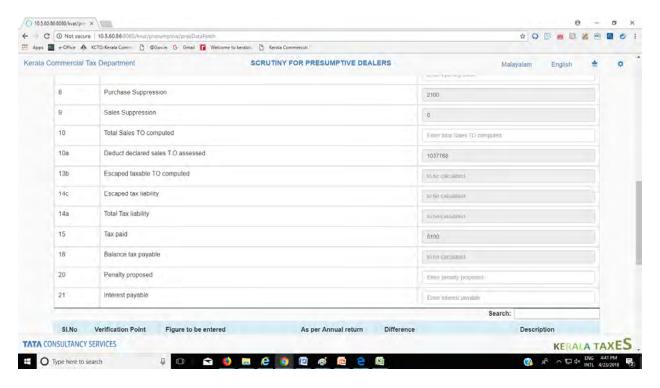


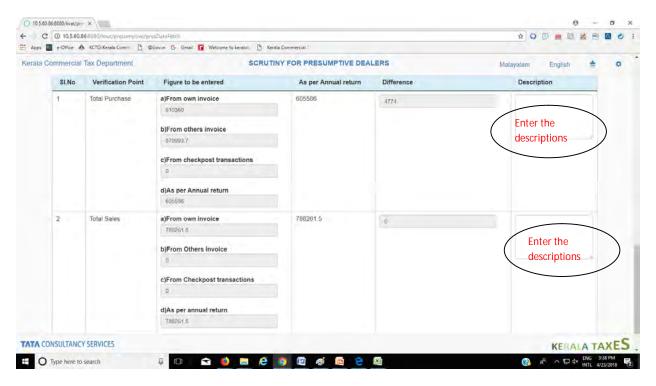
G) Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? No

Interstate transaction, No

Purchase/ Sales suppression **Yes** and Total Turnover **below 20 and above 10 Lakhs**.



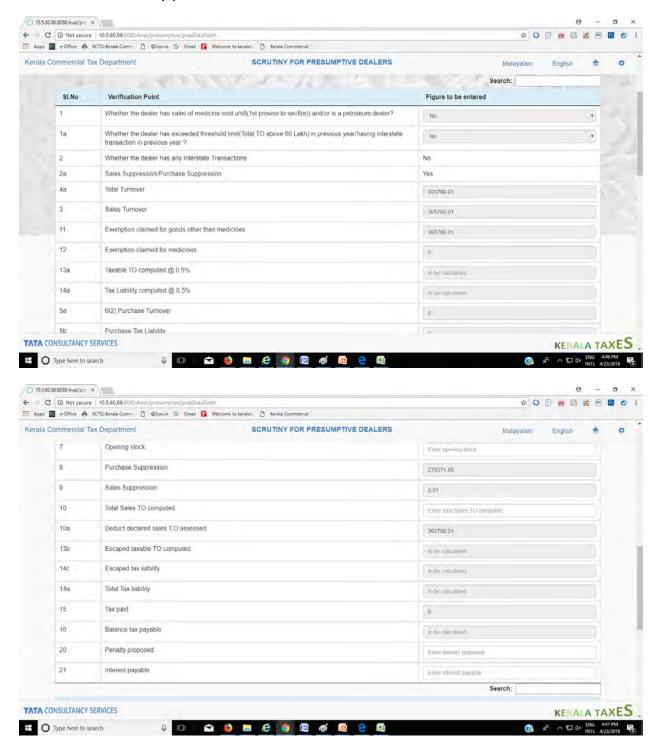


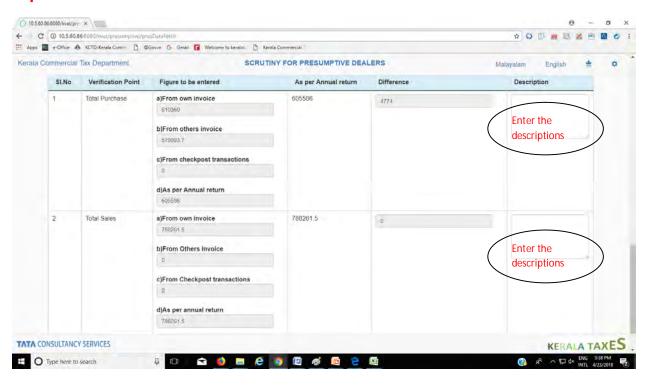


<u>Hi</u> Whether the dealer has exceeded threshold limit(Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **No**

Interstate transaction, No

Purchase/ Sales suppression Yes and Total Turnover below 10 lakhs.

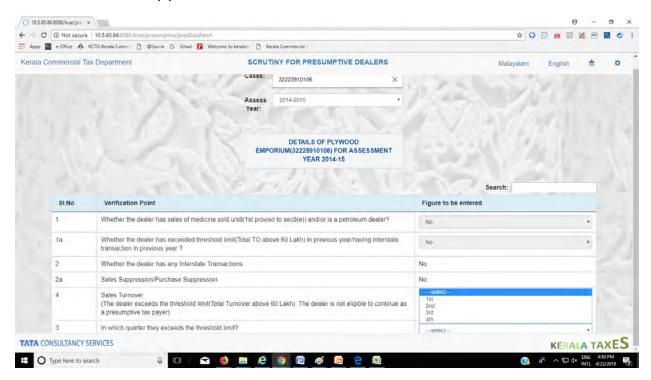




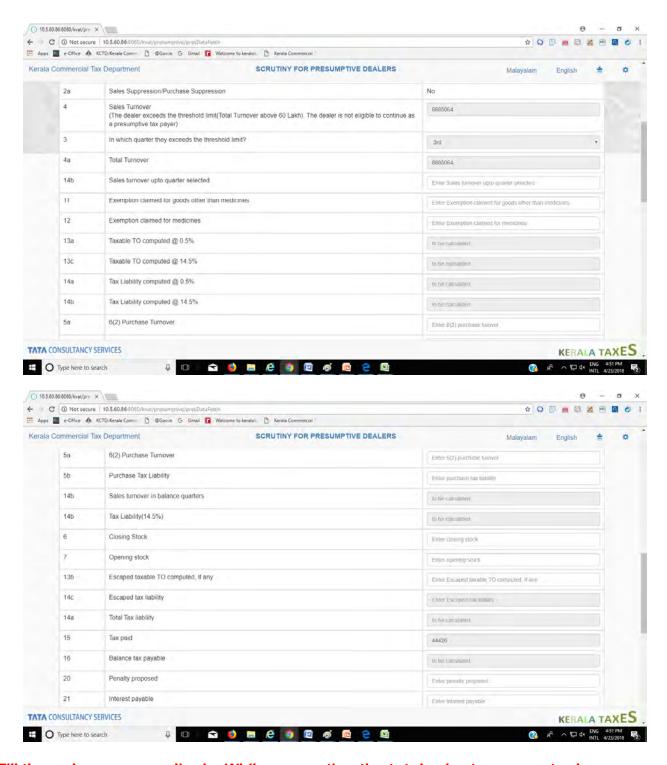
Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? No

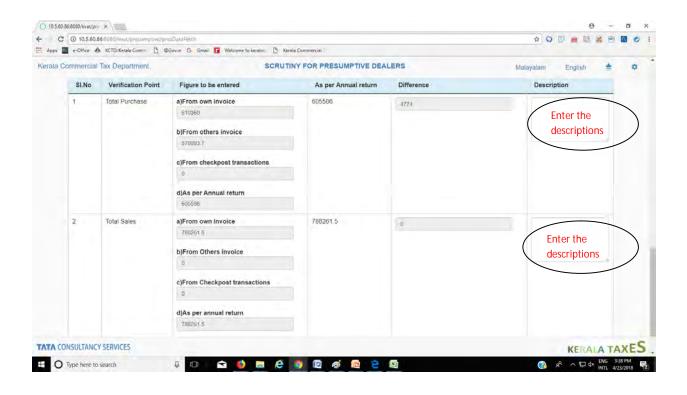
Interstate transaction, No

Purchase/ Sales suppression No and Total Turnover above 60 Lakhs.



First enter in which quarter he has exceeded the threshold limit. (Total Turnover 60Lakhs)

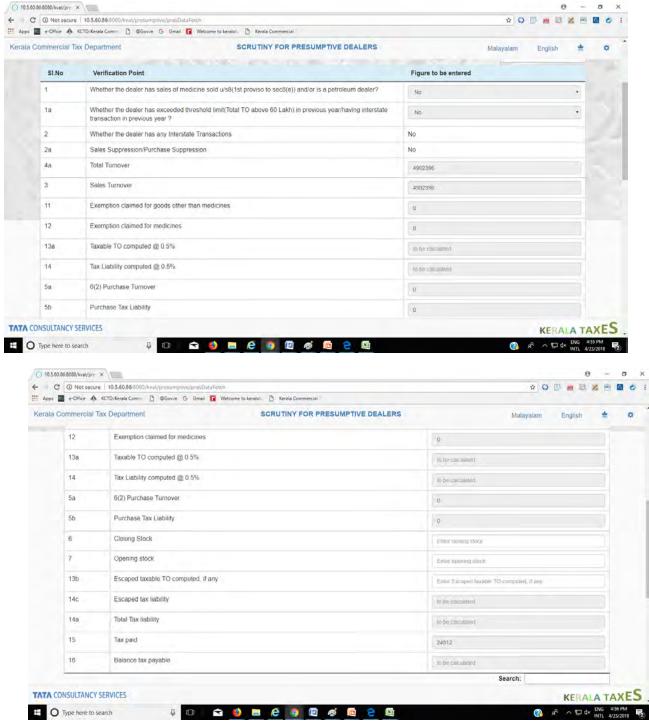


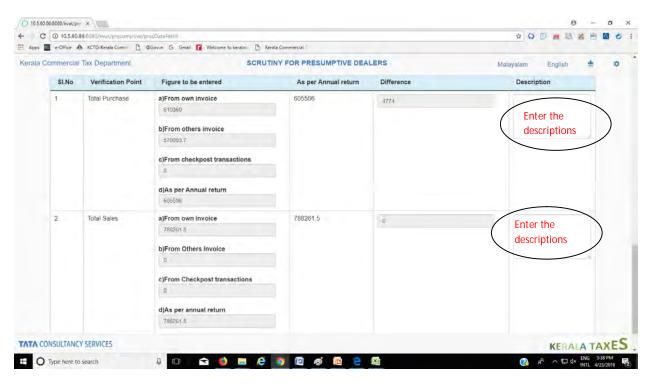


<u>J</u> Whether the dealer has exceeded threshold limit(Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? **No**

Interstate transaction, No

Purchase/ Sales suppression **No** and Total Turnover **below 60 Lakhs above 20 Lakhs**.

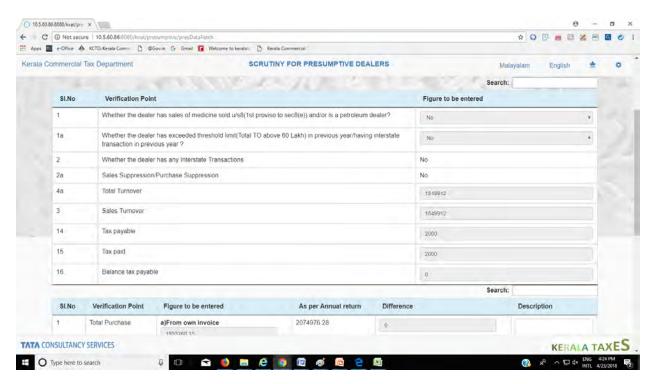




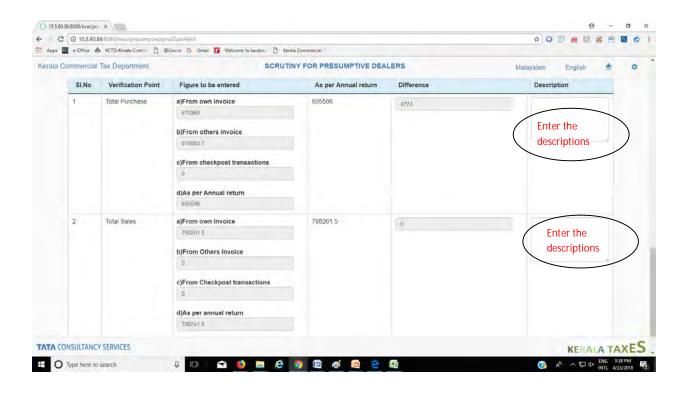
K) Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? No

Interstate transaction, No

Purchase/ Sales suppression **No** and Total Turnover **below 20 Lakhs above 10Lakhs**.



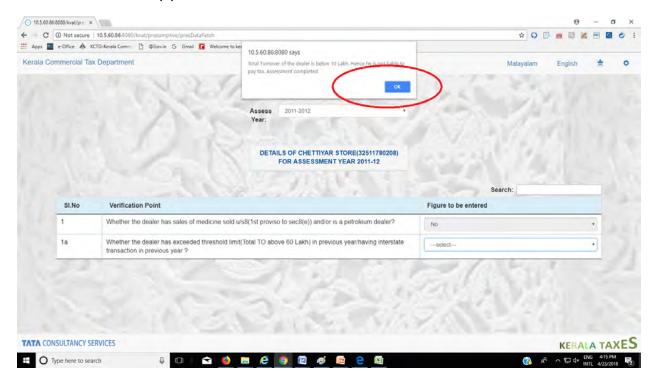
If the assessing authority found any stock suppression, the assessment should be completed accordingly.



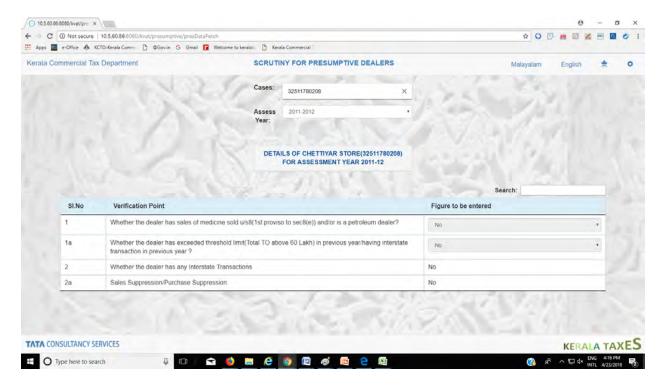
Whether the dealer has exceeded threshold limit (Total TO above 60 Lakh) in previous year/having interstate transaction in previous year? No

Interstate transaction, No

Purchase/ Sales suppression No and Total Turnover below 10 Lakhs.

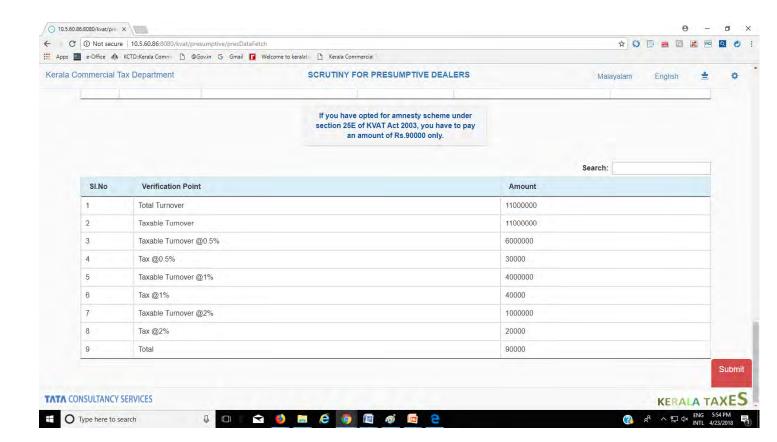


Enter Ok button

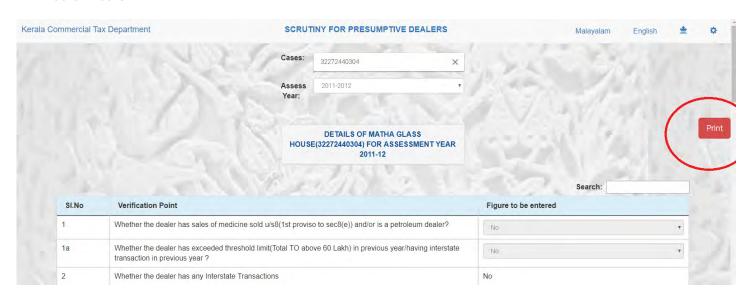


The scrutiny is completed.

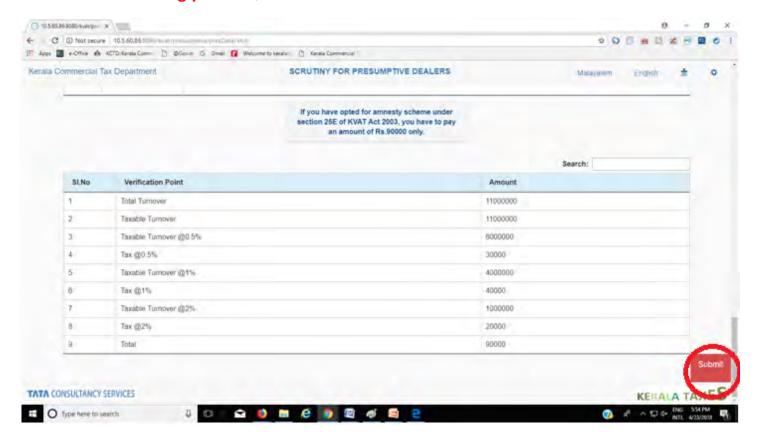
If the dealer is eligible to get amnesty under section 25E in an assessment year, details of amnesty amount is shown in the last portion of the scrutiny report itself



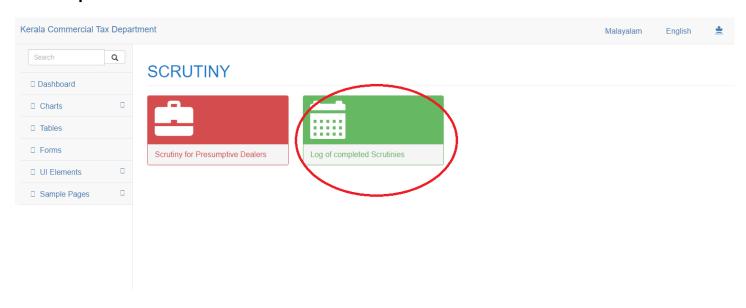
After completing the scrutiny, Take print out of the scrutiny report, before submission.

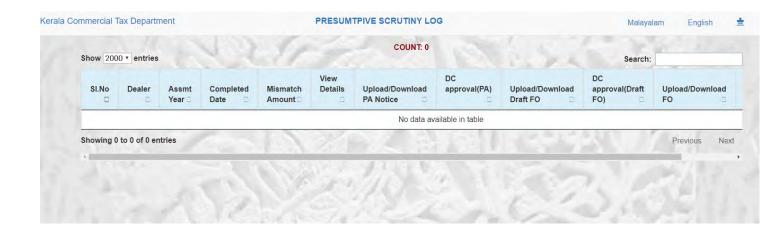


After taking print out, Enter submit button.



Details of completed cases can be seen in Log of completed scrutiny report.





Should you require any clarifications send the email on ScMpt.ctd@kerala.gov.in