

No. C5/32152/06/CT

Office of the Commissioner  
Dept of Commercial Taxes,  
Thiruvananthapuram,  
Dated 9/10/2006

**CIRCULAR No.32/2006**

Sub:- Kerala Value Added Tax Act, 2003- registration by dealers holding KGST-  
Registration – Delay in filing application – regularization – reg

As per clause (ii) of sub section (2) of section 15 of the said Act, every dealer registered under the Kerala General Sales Tax Act,1963 immediately before the date of commencement of the KVAT Act,2003 and whose total turnover under the said Act for the year preceding such date was not less than five lakhs rupees shall themselves get registered under the Act. The first Proviso to Section 16(1) of the said Act further specifies that such dealers shall not be required to pay registration fee specified under section 16, but need pay only the fee for renewal of registration as specified in section 16(6).

Rule 17(2) of KVAT Rules require that such dealers shall submit their application before 20/4/2005, but this date was subsequently extended up to 15/2/2006. But now some dealers have pointed out that even though they have remitted the prescribed renewal fee within the stipulated time they could not file the formal application before the assessing authorities before the cut-of-date and have requested for regularization of their registration under KVAT Act,2003, so as to enable them to continue their business.

The issue has been examined in detail and the following instructions are issued:

Those dealers who were holding valid registration under KGST Act, 1963 as on 31/3/2005 and remitted renewal fee as required under proviso to section 16 of the said Act on or before 15/2/2006 shall be permitted to file their application for registration under KVAT Act, 2003 up to 31/10/2006. The requirements prescribed for filing of registration applications and its processing as per KVAT Rules and subsequent instructions issued in this regard will be applicable to these cases also.

Only applications with all requirements need be accepted, and the applications so received shall be processed and disposed within seven days on receipt of such applications. In no context such applications be kept indisposed after 15/11/2006.

When registration is granted under KVAT Act, 2003 pursuant to such application the status of the dealer will be as that of a registered dealer with effect from 1/4/2005.

Commissioner

To  
All Officers in the Department

Copy to  
Website