

Office of the Commissioner
Commercial Taxes,
Thiruvananthapuram,
Dated:22-8-2007.

CIRCULAR NO.37/07

Sub:- Commercial Taxes Department- Payment of tax under KVAT Act, 2003 by promoters or developers — certificate of payment for claiming reduction in stamp duty under Kerala Stamp Act, 1959 (17 of 1959) – Instructions – issued –reg

Read:-G O (Ms) No 176/2007/TD dated 4th August published as SRO 676/2007

As per the notification issued in G O (Ms) No 176/2007/TD dated 4th August published as SRO 676/2007 in the Kerala Gazette, Extraordinary No 1461 dated 4th August, Government have reduced the duties with which all instruments of conveyance relating to flats/apartments are chargeable under the said Act to the extent of four percent of the amount or value of consideration of such conveyance, or the Value Added Tax paid in respect of the works contract, whichever is less, on transactions entered into between a promoter or developer, by whatsoever name called, for construction or development or sale or transfer, in any manner whatsoever, of any immovable property, and the purchaser, provided such payment of Value Added Tax is described in the instrument of conveyance, on the basis of the certificate issued by competent authority under Kerala Value Added Tax Act, 2003 (30 of 2004).

Accordingly, the competent authority under Kerala Value Added Tax Act, 2003 (30 of 2004) shall have to issue a certificate of payment containing the details of tax paid under Kerala Value Added Tax Act, 2003 by the promoters or developers in respect of the works contract relating to such flats or apartments for which the following instructions are issued.

1. The concerned assessing authority of the promoters or developers shall issue the certificate on receipt of application in this regard.
2. Only those promoters or developers who are registered under the Kerala Value Added Tax Act, 2003 shall be entitled for getting the certificate. Where such promoter or developer are holding flats or apartments, the contract of which was undertaken prior to 1st April, 2007 but pending to be transferred as on the 1st April, 2007 and a portion of or full tax for its construction under the Act has already been paid by them, such contractors shall have to file the declaration in Form 49 attached as Annexure 1, on an annual basis for the years in which such payment of tax has been made.
3. Every application for the certificate shall be in Form No.50 attached hereto as Annexure 2, and filed before the assessing authority by the promoter or developer who had remitted the tax under KVAT Act, 2003. Along with the application the applicant shall file the details of tax paid in respect of the flats or apartments along with copy of the agreements for construction of the flat/ apartment.

4. On receipt of an application the assessing authority may, after verifying the genuineness of the details furnished in the application, issue the certificate in Form No.51 attached hereto as Annexure 3.
5. The applications received shall be disposed within ten days on receipt of the application without fail.

Necessary amendments to the above effect will be made in the KVAT Rules shortly.

All assessing authorities shall comply with the above instructions strictly.

COMMISSIONER

To

All Concerned.

**FORM No. 49
DECLARATION**

[To be filed along with returns by contractors / promoters / developers, or by whatsoever name called, who undertake construction or development of flats or apartments or villas]

Name and address of dealer

TIN

Return Period/Year to which the declaration relates

**PART- A
DETAILS OF ONGOING PROJECTS**

Sl No	Name of project	Survey No	Village and District	Number of flats/apartments/villas in the project				
				Total	Pending transfer as on 1st April	Transferred		Balance pending transfer
						In the month	Up to the month	

**PART-B
DETAILS OF TRANSFERRED COMPLETED FLATS, APARTMENTS ETC DURING THE MONTH/YEAR IN RESPECT OF WHICH FULL WORKS CONTRACT AMOUNT HAS BEEN RECEIVED**

Sl No	Name of project with Sy. No	Description of apartment/flat/ villas	Name and address of purchaser	Total Transfer value	Total Works Contract Tax paid	Months in which the payments were made.

**PART-C
PURCHASER/AWARDER-WISE TAX PAYMENT DETAILS FOR THE MONTH/YEAR IN RESPECT OF ONGOING PORTION OF THE PROJECT**

Sl No	Name of project with survey Nos	Description of apartment/flat/ villas	Name & address of purchaser/ awarder	Total amount of contract	Amount received		Tax remitted in respect of the contract	
					In the month/ year	Up to the month/ year	In the month /year	Up to the month/ year
Total								

I/We hereby declare that the above details have been compared with the records and books of my/our business and that the same are true, correct and completely furnished.

Place

Date

[Seal]

Signature

Name and status

PART -C
For Office Use Only

- (1) Date of receipt of application
- (2) Result of verification
 - (i) The details furnished are correct
 - (ii) Defects, if any noticed
- (3) Date of communication of defects, if any
- (4) Date of rectification.
- (5) Date of disposal of application.
- (6) Details of disposal of application.

Signature
Name and designation of
Assessing Authority

FORM No. 51
CERTIFICATE OF PAYMENT

[To be issued to contractors / promoters / developers, or by whatsoever name called, who undertake construction or development of flats or apartments or villas for claiming reduction in the duties under the provisions of the Kerala Stamp Act, 1959 (17 of 1959)]

This is to certify that Sri/M/s [Name & Address of the contractors / promoters / developers) holding TINhad paid tax under Kerala Value Added Tax Act, 2003 in respect of the works contract/agreement relating to construction / development such flats/apartments/villas as detailed hereunder.

DETAILS OF PAYMENT

Sl No	Particulars	
1	Name and address of applicant contractor / developer / Promoter etc	
2	TIN under KVAT Act, 2003	
3	Name and address of intending purchaser /awarder	
4	Description with area of apartment /flat/ villas	
5	Name of project of the transferor under which apartment /flat/ villas come	
6	Survey No	
7	Village, Taluk and District	
8	Transfer value as conceded by the transferor	
9	Tax paid for the contract under KVAT Act,2003 in respect of sl no (4) above [in figures and words].	
10	Office from which the certificate is issued.	

This certificate is issued for claiming reduction in the duties under the provisions of the Kerala Stamp Act, 1959 (17 of 1959)]

Place _____ [Seal] _____ Signature
Date _____ Name and Designation
of assessing authority