

No. C1/520/06/CT

Office of the Commissioner
Department of Commercial Taxes
Thiruvananthapuram.
Dated.20-2-2007

CIRCULAR No. 09/2007

Sub:- KVAT Act,2003 -Refund of un adjusted input tax– further instructions –
issued –reg.
Read Circular No 29/2006 dated 23-8-2006 and 30/2006 dated 3/10/2006 of
Commissioner, Commercial Taxes.

As per proviso to sub section (6) of Section 11 of the said Act, excess input tax carried forward in accordance with the said sub section remaining unadjusted during the last return period of that year shall have to be refunded as if it were refund accrued under section 13.

Dealers who are entitled for refund of excess input tax credit remaining unadjusted at the end of the financial year in accordance with proviso to sub section (6)of section11 are required to file their application in Form 21CC to the assessing authority concerned before 30th June of every year as required under Rule 47A. However the date of receipt of such application for the year 2005-06 was extended up to 31st July 2006.

But it has been brought to notice that some dealers had inadvertently carried forward the excess input tax credit remaining unadjusted at the end of the financial year 2005-06 to the current financial year and had claimed set off against the output tax due. This was subsequently detected and disallowed, but by that time the last date for filing application for refund was over. Several requests have been received from various quarters to consider such cases and for an extension of time for filing application for refund.

The issue has been examined in detail. Considering that this as one of the teething troubles in wake of introduction of VAT in the State, the date of filing application for refund in Form 21CC for the year 2005-06 is extended up to 28/02/2007.

Applications so received shall be disposed before 31st March 2007 following the instructions contained in the circulars cited.

However, dealers who have already filed refund applications will not be permitted to revise the same under any circumstances.

COMMISSIONER

To

All Officers.

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