

No.C1-1880/16/CT

Office of the Commissioner of  
Commercial Taxes  
Tax Towers, Killipalam,  
Karamana – P.O.  
Thiruvananthapuram 695002  
Dt 27 / 08 / 2016

**CIRCULAR No 16 / 2016**

Sub:- Kerala Finance Bill, 2016 – Commercial Taxes Dept. – One time settlement of arrears due under the KGST Act & CST Act – Amnesty Scheme, 2016-17 – reg.

Ref:- Kerala General Sales Tax Act, 1963 & Central Sales Tax Act, 1956.

Clause (5) of Kerala Finance Bill, 2016 read with Para 264 of Revised Budget Speech 2016-17 provides for settlement of outstanding arrears relating to the period ending on 31<sup>st</sup> March, 2005 under the KGST Act, 1963 and CST Act, 1956. This scheme will not be applicable to a Public Sector Undertaking under the control of Government of India.

01. This facility of settlement of arrears, to be called the Amnesty Scheme, 2016-17, is available to all outstanding arrears under KGST Act, 1963 and the CST Act, 1956.
02. Dealers who are in arrears relating to the period ending on 31<sup>st</sup> March, 2005 can opt for settling the arrears by availing a complete reduction of the interest on the tax amount and for the amount of penalty and interest thereon.
03. The demand created up to 31<sup>st</sup> March, 2016 for the assessment years up to 2004-05 can be settled under this scheme.
04. In cases where option was filed as per the previous amnesty scheme and default committed after remittance of one or two installments, such remittances shall not be considered for settling the arrears under this scheme. The present liability only will be considered under this scheme.
05. There shall not be any refund subsequently for the dues settled under this scheme in any circumstances.
06. Only dealers who opt for settling all their outstanding arrears under these Acts for all the years shall be eligible to apply under this scheme.
07. Any amount paid under conditional stay in any appeal, revision or order of High Court or Supreme Court or voluntarily paid against the demand will be reckoned for arriving at the settlement of arrears provided there must be litigation pending in any of these forums. Such litigations shall be withdrawn unconditionally before opting under this scheme and proof thereof must be produced at the time of filing option.

08. The arrears advised for Revenue Recovery are also eligible for settlement under this scheme.
09. In order to opt under this scheme, the dealer shall file an application before the assessing authority in the prescribed form in Annexure - I before 28<sup>th</sup> February, 2017.
10. On receipt of the application the assessing authority shall verify the correctness of the arrear position stated by the dealer with reference to assessment records and relevant registers and intimate the dealer in Annexure – II the amount due under this scheme and thereupon the dealer shall remit the amount in lump-sum or in three equal installments on or before 28<sup>th</sup> February, 2017.
11. If the dealer defaults in making payment as per the permission given in Annexure - II, the reduction granted shall be revoked by an order in writing by the assessing authority after giving such dealer an opportunity of being heard within thirty days of the default.
12. No appeal shall lie in any court, tribunal or appellate authority with respect to the amount settled under this scheme.
13. All assessing authorities shall maintain a register in Annexure - III containing details of arrears settled under this scheme.
14. The collection details shall be reported separately. The Deputy Commissioners shall give periodic progress report of settlement of arrears under this scheme to the Commissioner fortnightly.

Sd/-  
**COMMISSIONER**

**Annexure - I**

(To be submitted in Duplicate)

**Application for settlement of arrears under the Amnesty Scheme, 2016-17**

01. Name and address of the assessee :
02. R.C. Number :
03. Status : Sole proprietorship / partnership / company / others
04. Type of Business : Trading / Manufacturing / Works contract / others
05. Details of arrears for which settlement has been opted.

Sl. No.	Assmt. years	Order		Outstanding Demands			
		No.	Date	Tax		Penalty	
				Amount	Interest	Amount	Interest
1							
2							
3							
4							
5							

06. Appeal / Revision / Court cases if any pending details

Sl. No.	Assmt. years	Order		Amount	Appellate authority with whom pending	Appeal / Revision No.	Present stage	Remarks
		No.	Date					
1								
2								
3								
4								
5								

07. Details of attachment of assets if any under Revenue Recovery

08. Value of attached assets

**DECLARATION**

I Shri / Smt..... Hereby declare that the details stated above are true and correct to the best of my knowledge.

I further declare that I am competent to file application in the capacity as the .....

I hereby opt for settlement of the arrears in pursuance of the scheme declared in Para 264 of the Revised Budget Speech, 2016-17.

I hereby undertake to withdraw the appeals / revisions / court cases and other cases relating to these matters on acceptance of this application.

I further undertake that on acceptance of this application I shall abide the conditions of payment without fail.

Place:

Signature:

Date:

Name & status

**Annexure – II**

(To be prepared in Duplicate)  
**INTIMATION OF PAYMENT OF ARREARS  
UNDER THE AMNESTY SCHEME, 2016-17**

Name of Office  
Reg. No.

To

Sri. / Smt.....

On a consideration of the application dated..... / 2016 filed by you for settlement of the outstanding arrears you have been found eligible. Accordingly, you are hereby permitted to settle the arrears as detailed hereunder:

Sl. No.	Years	Tax amount due	Total
1			
2			
3			
4			
5			
Total			

Place:

/ Seal /

Date:

Signature:

Name & designation of  
Assessing Authority

**Annexure – III**

**Register of Settlement of Arrears under the Amnesty Scheme, 2016-17**

Sl. No.	Name of dealer with RC No.	Year	Principal tax amount		Interest on Principal tax amount		Penalty		Interest on penalty		Total		Payment details
			Due	Payable	Due	Payable	Due	Payable	Due	Payable	Due (4+6+8+10)	Payable (5+7+9+11)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14