

UTTAR PRADESH SHASAN
SANSTHAGAT VITTA KAR EVAM NIBANDHAN ANUBHAG-2

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of following English translation of Government notification no. KA.NI.-2-251/XI-9(2)/08-U.P.Ordi.-37-2008-Order-(5)-2008 dated February 04, 2008 for general information:

NOTIFICATION

No.- KA.NI.-2-251/XI-9(2)/08-U.P.Ordi.-37-2008-Order-(5)-2008
Lucknow::Dated::February 04, 2008

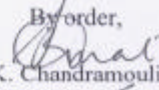
WHEREAS the State Government is satisfied that it is expedient so to do in public interest,

Now, Therefore, in exercise of the powers under proviso to sub-section (1) of section 6 read with section 74 of the Uttar Pradesh Value Added Tax Ordinance, 2007 [U.P.Ordinance no. 37 of 2007], the Governor is pleased to declare that a dealer who carries on the exclusive business of resale of goods within the State after their purchase from within the State and whose turnover of sale of goods, for any assessment year is neither likely to exceed Rs. 50 lakh, nor has his such turnover for the assessment year preceding such assessment year exceeded Rs. 50 lakh, may, subject to following conditions, opt for the payment of composition money in lieu of tax payable, at the rate of one percent, on the sale of goods mentioned in Schedule II, III and V of the Ordinance:-

1. In computing the turnover of Rs. 50 lakh, the turnover of sale of goods mentioned in Schedule I to V of the Ordinance shall be taken into account;
2. such dealer shall not be entitled to claim input tax credit under section 13 of the Ordinance;
3. such dealer shall not issue a tax invoice and shall not realize any amount from the purchaser of goods by way of tax or by giving it a different name or colour;
4. a dealer who purchases goods from such a dealer shall not be entitled to claim input tax credit in respect of the goods purchased from such a dealer;
5. such dealer shall file quarterly return, along with the challan of deposited composition money payable in form XXIV-A, duly completed in all respects along with annexure A and B thereof;
6. such dealer shall furnish to the assessing authority within 30 days from the date of this notification for assessment year 2007-2008, and upto 30th April, for any other assessment year, as the case may be, for which the dealer wishes to opt for this facility, an application in the form prescribed by Commissioner of Commercial Taxes, duly signed by the person mentioned in sub-rule 6 of rule 32 of Uttar Pradesh Value Added Tax Rules, 2008. An application once given shall be irrevocable and the dealer giving such an application shall not be entitled to withdraw the same.

Provided that Commissioner may, in cases where he is satisfied that the circumstances exist whereby the dealer was prevented from filing the application within the aforesaid period, permit the dealer to file such application within 30 days beyond the aforesaid period;

7. if any particular or information given in the application referred to above is found to be false, incorrect or bogus, the assessing authority may, after giving the dealer a reasonable opportunity of hearing, reject the application.

By order,

(K. Chandramouli)
Pramukh Sachiv.

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