

NO:TAX-96/05-06: In exercise of the powers conferred by sub-section(1) of Section 103 of the Arunachal Pradesh Goods Tax Act, 2005 (Act No 3 of 2005), the Government of Arunachal Pradesh hereby makes the following rules namely :-

**CHAPTER I.
PRELIMINARY**

1. Short title, extent and commencement

- (1) These rules may be called the Arunachal Pradesh Goods Tax Rules, 2005.
- (2) They shall come into force on the same date as the government has appointed under sub-section (3) of Section 1 of the Arunachal Pradesh Goods Tax Act 2005 (3 of 2005):

2. Definitions

- (1) In these Rules, unless the context otherwise requires –
 - (a) “Act” means the Arunachal Pradesh Goods Tax Act, 2005 (No 3 of 2005).
 - (b) a “section” or “sub-section” means a section or sub-section of the Act; and
 - (c) a “Schedule” means a Schedule to the Act.
 - (d) Words importing the masculine gender shall include the feminine gender;
 - (e) Words in singular shall include their plural and vice versa;
 - (f) Expressions referring to “writing” shall include printing, typing, lithography, photography and other methods of representing or reproducing words in a visible form;
 - (g) With reference to a person who is unable to sign his name, the words “signature” shall include his “thumb impression” or other mark duly attested to signify his signature.
 - (h) Signature shall include digital signature.
 - (i) the service of a notice or other document in the “prescribed manner” means service in the manner provided in rule 76.
- (2) The words and expressions defined in the Act and used but not defined in the Rules have the same meaning as assigned to them in the Act.
- (3) In these Rules, unless the context otherwise indicates –
 - (a) “address for service” means the address determined in accordance with rule 28
 - (b) “authorised bank” means a bank listed in the Annexure 2.
 - (c) “quarter” means the periods of three months –
 - January 1 to March 31;
 - April 1 to June 30;
 - July 1 to September 30; or
 - October 1 to December 31.

3. Prescribed definitions: For the purposes of section 2 ,

- (1) the services referred to in sub-section (f)(i) of section 2 are the services listed in Annexure 5.
- (2) the activities referred to in sub-section (1)(ii) of section 2 are the activities listed in Annexure 6.
- (3) “adequate proof” shall be the form of proof set out in Annexure 7.

CHAPTER II.
INCIDENCE AND LEVY OF TAX

4. Continuance of liability to pay tax. (Section 3(7)):

Further period prescribed for sub-section (7) of section 3 is Nil.

5. Works contracts (Section 5(2)) :

(1) In case of turn over arising from the execution of the works contract, the amount representing the charges towards labour, services and like charges shall be excluded from the taxable turnover of the dealer subject to the dealer's producing invoice, voucher, challan or any other document evidencing payment of charges towards labour and services to the satisfaction of the Commissioner.

(2) The charges towards labour and services and other like charges shall include:

- (a) Labour charges for execution of works;
- (b) Charges for planning and architects fees;
- (c) Charges for obtaining on hire or otherwise machinery and tools used for the execution of the works contract;
- (d) Cost of consumables such as water, electricity, fuel, etc. used in the execution of the works contract the property in which is not transferred in the course of execution of a works contracts;
- (e) Cost of establishment of the contractor to the extent it is relatable to supply of labour and services;
- (f) Other similar expenses relatable to supply of labour and services;
- (g) Profits earned by the contractor to the extent it is relatable to supply of labour and services subject to furnishing of a profit and loss account of the works sites.

Provided where amount of charges towards labour and service are not ascertainable from the accounts of the dealer, the amount of such charges shall be calculated at the percentages specified in the Annexure 8.

6. Apportionment of input credits and entry tax credits. (Section 9) :

(1) Subject to subrule (3), every dealer who claims a credit for input tax or entry tax under section 11 in respect of any purchase or import of goods shall prepare and maintain a detailed record of the manner in which the entitlement to and the amount of the credit was calculated.

(2) The records referred to in subrule (1) shall clearly identify the way in which the purchase or import is related by the dealer to the making of sales that are taxable under the Act, Sales that are not liable to tax under Section 7 and sales that are exempt under section 6 .

(3) **Safe harbour method.** Pursuant to subsection 4 of section 9, the Commissioner will allow every dealer to calculate the amount of credit for input tax and credit for entry tax for purchases (not being raw materials nor trading stock) made in a tax period in the following manner:

$$A \times (B+C) / D$$

where,

A = Total amount of credits for input tax or entry tax claimed by the dealer in the current tax period for purchases.

B = Turnover of sales for which the dealer is liable to pay tax under section 3 during the prior year (or would be liable to pay tax if the Act were in operation during that period).

C = Turnover of sales not liable to tax under section 7 during the prior year (or would not have been liable if the Act were in operation during that period).

D = Total revenue of the dealer.

(4) For the purposes of this rule "total revenue" means the gross revenue earned by the dealer in the prior year from all its activities conducted in any place reduced by the following amounts:

- (a) proceeds of sales made in the course of winding up the dealer's activities;
- (b) sales made as part of the permanent diminution of the dealer's activities; and
- (c) sales of real estate.

7. Reduction of tax credit. (Section 9(6) and Section 10(3)):

For the purposes of sub-section (6) of section 9 and sub-section (3) of section 10, -

(1) if the goods are exported from Arunachal Pradesh, other than by way of a sale, to a branch of the registered dealer or to a consignment agent against 'F' Form prescribed under the Central Sales Tax Act 1956, the prescribed percentage shall be nil.

(2) In all other cases, the prescribed percentage shall be -

- (a) in the case of goods specified in the Second Schedule, 100%;
- (b) in the case of goods specified in the Third Schedule, 100%;
- (c) in the case of goods specified in the Fourth Schedule, 20%;
- (d) in the case of goods specified in clause (d) of sub-section (1) of section 4, 32%.

8. When turnover arises in a tax period. (Section 12(4)) :

For the purposes of sub-section (4) of section 12, the amount of turnover arising in the tax period in the case of a sale or purchase occurring –

(a) by means of an installment sale or hire purchase of goods made in the tax period, is the total amount of the sale price that will be due and payable under the agreement, including the amount of any option fee paid or that may be payable;

(b) by the transfer of a right to use goods, not being a hire purchase agreement or installment agreement, is the proportion of the sale price that is due and payable during the relevant tax period;

(c) by means of transfer of property in goods (whether as goods or in some other form) under a works contract executed or under execution in the tax period, is the consideration received or receivable by the dealer for such transfer of property in goods (whether as goods or in some other form) during the relevant tax period.

9. Treatment of stock brought forward during transition. (Section 15(2)):

For the purposes of sub-section (2) of section 15, the amount of the credit to which a registered dealer is entitled is –

- (a) where the dealer holds a sale voucher issued by a dealer registered under the Arunachal Pradesh Sales Tax Act 1999 in respect of the purchases of the opening stock which discloses an amount of tax paid under the Arunachal Pradesh Sales Tax Act 1999 at the First Point, the amount of tax disclosed on the sale voucher; or
- (b) in any other case, an amount calculated according to the formula:

$$F \times P \times 75\%$$

where –

F = the tax fraction ($r/r+100$) [where “r” is the tax rate under the Arunachal Pradesh Sales Tax Act 1999 applicable as on the notified date to the opening stock].

P = the price paid for the opening stock.

10. Credit on second hand goods purchased by a registered dealer from a resident seller not registered under this Act. (Section 16):

No input tax credit shall be claimed on second hand goods purchased by a registered dealer from a resident seller who is not registered under this Act, unless the registered dealer furnishes adequate proof of the amount paid for such goods in the form of an invoice or receipt signed by such a resident seller who is not registered under this Act containing the following, namely -

- a) the nature of the goods;
- b) the amount paid for the goods;
- c) the name of the seller;
- d) the sellers address in Arunachal Pradesh; and
- e) the original invoice separately indicating the tax component.

11. Simplified Accounting Methods – General. (Section 17):

(1) **Eligibility.** In addition to the requirements in subsection (3) of section 17, a dealer shall only be eligible to use the accounting method set out in this section if –

- (a) the dealer is registered under this Act;
- (b) the dealer sells goods to people who buy them for private or domestic use or consumption;
- (c) the proportion of the turnover of the retailer in respect of retail sales is greater than 50% of his total turnover; and
- (d) the dealer sells on a regular basis goods which are dealt with in one of the Schedules to the Act and also goods which are dealt with under another Schedule to the Act.

Provided that a Works Contractor would be eligible for the simplified method prescribed in sub-rule (10) of rule 12 even if he may not meet the criteria (b), (c) or (d).

(2) **Time for making election.** A person who satisfies the conditions in sub-rule (1), may elect to employ any one of the three Simplified Accounting Methods. The election may be made at the time of registration or at any time during the year, and –

- (a) the election shall take effect from the beginning of the next tax period; and
- (b) the retailer shall continue to apply that same Simplified Accounting Method for at least the next 12 months.

(3) **Notice of making election.** The making of the election to use a Simplified Accounting Method shall be notified to the Commissioner in FF-04.

(4) **Cessation.** An election to employ a Simplified Accounting Method shall cease to have effect from the start of the next tax period if the dealer ceases to be eligible to use any Simplified Accounting Method or if the dealer elects to cease applying the Simplified Accounting Method by notifying to the Commissioner in Form FF-05.

Provided that, no election to discontinue applying the Simplified Accounting Method may be made in contravention of sub-rule (2)(b).

(5) **Conditions on use of Simplified Accounting Methods.** Notwithstanding anything in rule 12, a dealer may not use nor elect to use –

- (a) the Sample Method if the item ($t - tc$) in the formula in sub-rule (3) of rule 12 for the sample period is a negative number;
- (b) the Stock Purchase Method if the dealer substantially processes or manufactures the goods its purchases for the purpose of re-sale;

12. Simplified Accounting Methods. (Section 17):

(1) The four Simplified Accounting Methods are the Sample Method, the Stock Purchase Method, the Business Norms Method and Works Contract.

(2) **Sample Method:** The net tax of a dealer electing to use the sample method for a tax period is:

$$TO \times TF$$

where –

TO = the turnover of all sales made in the tax period.

TF = the taxable fraction determined under subrule (3).

(3) The taxable fraction shall be determined based on the turnover of all purchases and all sales made by the dealer during the tax period prior to making the election (in this rule called the “sample period”). The taxable fraction is:

$$TF = (t - tc) / TS$$

where –

t = the total amount of Output tax payable under this Act for the sample period.

tc = the total amount of tax credits allowable under this Act for the sample period.

TS = the turnover of all sales made in the Sample period

(4) The dealer shall maintain detailed records on the basis of, and method used for, the computation of the taxable fraction.

(5) The taxable fraction for the sample method shall be re-calculated by the dealer after every 12 months using as the sample period the immediately preceding tax period and the dealer shall thereafter apply the revised taxable fraction to its subsequent tax periods.

(6) **Stock Purchase Method.** The net tax of a dealer electing to use the stock purchase method for a tax period is:
 $tp - tc$

where –

tp = the presumed tax determined under sub-rule (7).

tc = the total amount of tax credits allowable under this Act for the tax period.

(7) The presumed tax for a dealer using the stock purchase method is:

$$[S1P \times TO \times R1] + [S2P \times TO \times R2] + [S3P \times TO \times R3] + [S4P \times TO \times R4] + [S5P \times TO \times R5]$$

where –

TO = the turnover of all sales made in the tax period.

S1P = the turnover of purchases made by the dealer during the tax period that were taxed at the rate provided in the First Schedule expressed as a percentage of all purchases made during the tax period.

S2P = the percentage of the turnover of purchases made by the dealer during the tax period that were taxed at the rate provided in the Second Schedule expressed as a percentage of all purchases made during the tax period.

S3P = the percentage of the turnover of purchases made by the dealer during the tax period that were taxed at the rate provided in the Third Schedule expressed as a percentage of all purchases made during the tax period.

S4P = the percentage of the turnover of purchases made by the dealer during the tax period that were taxed at the rate provided in the Fourth Schedule expressed as a percentage of all purchases made during the tax period.

S5P = the percentage of the turnover of purchases made by the dealer during the tax period that were taxed at the rate provided in the clause (d) of subsection (1) of section 4 expressed as a percentage of all purchases made during the tax period.

R1 = the rate of tax stipulated in the First Schedule.

R2 = the rate of tax stipulated in the Second Schedule.

R3 = the rate of tax stipulated in the Third Schedule.

R4 = the rate of tax stipulated in the Fourth Schedule.

R5 = the rate of tax stipulated in the clause (d) of sub-section (1) of section 4.

(8) The dealer shall maintain detailed records of all purchases of goods taxable at varying rates including exempted goods made during the tax period.

(9) **Business Norms Method.** The net tax of a dealer electing to use the stock purchase method for a tax period is:
 $TO \times RN$

where –

TO = the turnover of all sales made in the tax period.

RN = the percentage notified by the Commissioner for the class of business or trade for the purposes of this rule.

Provided that if no percentage is notified by the Commissioner for the purpose of this rule, the value of RN would be-

(a) RN = 0.25% if the business deals predominantly in goods specified in the Second schedule.

(b) RN = 0.75% if the business deals predominantly in goods specified in the Third schedule.

(c) RN = 4% if the business deals predominantly in goods specified in the Fourth schedule.

(d) RN = 2.5% if the business deals predominantly in goods specified in the clause (d) of sub-section (1) of section 4.

Explanation 1 : “deals predominantly” means more than 75% of the turnover comprises of goods specified in the said Schedule.

Explanation 2: If the Commissioner has notified a value for RN for a particular class of business or trade, the value notified by the Commissioner shall override the provisions of this sub-rule.

(10) **Works Contract:** The net tax of a dealer electing to use the Works Contract method for a tax period is:

$$tf - tc$$

where –

tf = the output tax determined at a flat rate under sub-rule (11).

tc = the total amount of tax credits allowable under this Act for the tax period.

(11) A Works Contractor may determine the output tax at a flat rate of 10% on the turnover of works contract after deducting therefrom charges towards labour and service and other like charges in accordance with rule 5, irrespective of the goods that may be apportioned in the works contract.

Provided that if a works contractor elects this simplified accounting method, he may only charge from the contractee, tax at the flat rate of 10%

13 . Document for availing of credit- (Section 21(2)):

No input tax credit shall be allowed on the stock or raw materials held by a dealer who is registered or re-registered at the time when such registration or re-registration takes effect, unless the dealer furnishes adequate proof of the amount of input tax paid in the form of a tax invoice issued by a registered dealer to the dealer claiming the credit.

CHAPTER III.
REGISTRATION, APPROVAL AND PERMISSION

14. Applications - general

- (1) Every application under the Act –
 - (a) for registration as a dealer;
 - (b) for approval as an Approved Road Transporter; or
 - (c) for permission to operate a Approved Warehouse,or for the amendment or cancellation thereof, shall –
 - (i) be made using the prescribed Form (if any);
 - (ii) contain the information and particulars referred to in that Form;
 - (iii) be verified by any required declaration;
 - (iv) be accompanied by all documents mentioned in the Form;
 - (v) be accompanied by proof of payment of the prescribed fee (if any) in the prescribed manner;
 - (vi) be accompanied by security in the prescribed amount, if any; and
 - (vii) be signed in the manner stipulated in section 31 .
- (2) Where no Form for such an application is prescribed in these Rules, the application shall be made and furnished in the form provided by the Commissioner.
- (3) **Place of lodging applications.** An application under subrule (1) may be filed at the Office of the Commissioner, or filed at any other place notified by the Commissioner.
- (4) **When person taken to have made application.** An application shall be treated as made by a person once the application has been stamped with the date of receipt by the Commissioner or by any other person authorised by the Commissioner to receive the application.
- (5) The Commissioner shall, if requested, issue a receipt acknowledging receipt of an application at the time that the application is filed.
- (6) Where an application lodged by a person does not meet the requirements of subrule (1), the Commissioner may either reject the application or accept the document as constituting an application if the document is substantially in accordance with the requirements of subrule (1).
- (7) Before passing any final order on an application for approval the Commissioner may –
 - (a) by notice in writing served in the prescribed manner require the applicant to furnish such further information as the Commissioner deems fit; and
 - (b) make such inquiries as the Commissioner deems fit.

15. Application for registration as a dealer. (Section 20):

An application for registration as a dealer shall be made in Form RF-01 within a period of 30 days from the date of his becoming liable to pay tax under the Act.

16. Processing application for registration as a dealer. (Section 20):

- (1) A notice issued to an applicant for registration as a dealer for the purposes of subsection (3) of section 20 shall be in Form RN-01 and shall be served on the applicant in the prescribed manner.
- (2) The order of rejection of Application for Registration shall be in Form RU-04.

17. Certificate of registration. (Section 20):

- (1) The certificate of registration shall be in Form RU-01 .
- (2) The Commissioner shall specify on the certificate the date from which the registration takes effect.
- (3) The Commissioner shall grant single registration to a dealer who has, within Arunachal Pradesh, more than one place of business. Every registered dealer shall retain the certificate of registration at its principal place of business.
- (4) A registered dealer may obtain from the appropriate authority, on payment of the prescribed fee in the form of court fee stamps, a duplicate of the certificate of registration where the original has been lost, destroyed or defaced.
- (5) The Commissioner shall issue a certificate of registration to every dealer who is registered by virtue of section 25 .
- (6) Pending the issue of the certificate pursuant to sub-rule (5), a certificate of registration issued to a dealer who is registered under the Arunachal Pradesh Sales Tax Act 1999 as in force in Arunachal Pradesh, immediately before the date notified under subsection (4) of section 1 shall be treated as conclusive evidence that the person is registered for the purposes of section 25 .

18. Amendment of registration. (Section 22):

- (1) An application for amendment to an existing registration as a dealer shall be made in RF-02.
- (2) An application seeking an amendment of a registration shall be disposed of by the Commissioner within a period of—
 - (a) 15 days, if the amendment relates to any matter referred to in clause (c) of sub-section (1) of section 22 ; and
 - (b) one month, if the amendment relates to any other matter.
- (3) The Commissioner shall issue order on the application for amendment in Form AU-02
- (4) The Commissioner may, on receipt of information, cause amendment suo-moto by serving an order in Form AU-03 upon the dealer in the prescribed manner.

19. Cancellation of registration. (Section 23):

- (1) An application for cancellation of registration as a dealer shall be made in Form RF-03 within thirty days of the following-
 - a) in cases where a registered dealer has ceased to carry on any activity which would entitle him to be registered as a dealer under the Act, from the date of cessation of the activity;

- b) in cases where an incorporated body is closed down or otherwise ceases to exist, from the date of closure or cessation of existence;
 - c) in cases where the owner of a proprietorship business dies leaving no successor to carry on business, from the date of death of the owner of the proprietorship business;
 - d) in case of a firm or an association of persons being dissolved, from the date of its dissolution;
 - e) in case a registered dealer has ceased to be liable to pay tax under the Act, from the date on which he ceased to be so liable;
- (2) Every registered dealer who applies for cancellation of his registration shall surrender with his application the certificate of registration issued to him.

(3) The application shall specify the date from which the dealer desires the cancellation of registration to take effect and the order of acceptance of Cancellation Application shall be in Form RU-02.

Provided that the Commissioner by notice in writing served on the dealer, notifies the dealer of another date, the dealer's registration shall cease on the date nominated by the dealer.

(4) Where the Commissioner has cancelled the registration of a dealer under subsection (1) of section 23, the Commissioner shall serve upon the person a notice in Form RU-03 in the prescribed manner.

(5) Every registered dealer whose registration is cancelled under subsection (1) of section 23 shall deliver to the Commissioner the certificate of registration by the date specified in Form RU-03.

Provided that where a dealer has lodged an objection with the prescribed authority under section 75 against the cancellation of the registration, the dealer may retain the certificate pending resolution of the objection.

(6) The Commissioner shall specify in the notice the date from which the cancellation of the registration takes effect.

20. Publication of particulars of cancelled certificates of registration. (Section 23(9)):

For the purposes of subsection (9) of section 23 the Commissioner shall publish in the official Gazette, the particulars of dealers whose registration has been cancelled in the following form:

(1)	(2)	(3)	(4)
Name and address of the dealer	Name of the Proprietor / Manager /Partner /Director	No. and date of issue of certificate of registration	Date of cancellation of certificate

21. Application for Approval as a Road Transporter. (Section 26(1)):

(1) An application for approval as an Approved Road Transporter shall be made in Form TR-01.

(2) The following supporting documents shall be furnished along with the application for approval as an Approved Road Transporter:

- (a) proof of the occupation of the premises in Arunachal Pradesh in any of the following forms:
 - (i) a photocopy of an electricity bill in the name of the applicant for the warehouse premises; or
 - (ii) a photocopy of a telephone bill in the name of the applicant for the warehouse premises; or
 - (iii) a photocopy of the lease of premises he is operating from.
- (b) a photocopy of the applicant's STA permit valid for carriage of goods in Arunachal Pradesh.
- (c) proof of turnover.

22. Application for permission to operate a Approved Warehouse. (Section 26(5)):

(1) An application for permission to operate a Approved Warehouse shall be made in Form WA-01.

(2) The following supporting documents shall be furnished along with the application to operate a Approved Warehouse:

- (a) a complete floor plan for each premises which the person proposes to operate as its Approved Warehouse; and
- (b) proof of the occupation of the premises in Arunachal Pradesh in any of the following forms:
 - (i) a photocopy of an electricity bill in the name of the applicant for the warehouse premises; or
 - (ii) a photocopy of a telephone bill in the name of the applicant for the warehouse premises; or
 - (iii) a photocopy of the lease of premises he is operating from.

(3) For the purposes of subsection (6) of section 26, the conditions with which a person seeking permission to operate a Approved Warehouse must comply are:

- (a) the person must keep goods on which tax under subsection (1)(b) of section 3 has not been paid physically separate from the other goods in his possession; and
- (b) the person must keep goods on which tax under subsection (1)(b) of section 3 has not been paid secure from theft, loss or destruction.

23. Certificate of approval or permission. (Section 26):

(1) The certificate of approval as an Approved Road Transporter or permission to operate an Approved Warehouse or both (as the case may be) shall be in Form TU-01 and Form WU-01 respectively.

(2) The Commissioner shall specify on the certificate the date from which the approval or permission takes effect.

(3) Every person to whom such a certificate is issued shall retain the certificate at its principal place of business.

(4) A person may obtain from the appropriate authority, on payment of the prescribed fee in the form of court fee stamps, a duplicate of the certificate where the original has been lost, destroyed or defaced.

24. Amendment of approval or permission. (Section 26):

(1) An application for amendment to an existing approval or permission shall be made in Form TR-02 and WA-02 in case of Approved Road Transporter and Approved Warehouse respectively.

(2) The Commissioner shall issue order on the application for amendment in Form AU-02 in case of application.

(3) The Commissioner may, on receipt of information, cause amendment suo-moto by serving an order in Form AU-03 upon the Approved Road Transporter or the Approved Warehouse in the prescribed manner.

25. Cancellation of approval or permission. (Section 26):

(1) An application for the cancellation of an existing approval or permission shall be made in Form TR-03 or WA-03 as the case may be within a period of 30 days from the date when the person is required to apply for cancellation.

(2) Every person who applies for cancellation shall surrender with his application the certificate of approval or permission granted to him.

(3) The application shall nominate the date from which the person desires the cancellation approval or permission to take effect.

Provided that the Commissioner by notice in writing served on the person, notifies the person of another date, the person's approval or permission shall cease on the date nominated.

(4) Where the Commissioner has cancelled the approval or permission of a person under subsection (9) of section 26, the Commissioner shall serve upon the person a notice in Form RU-03 in the prescribed manner.

(5) The Commissioner shall specify in the notice the date from which the cancellation takes effect.

(6) Every person whose approval or permission is cancelled under subsection (9) of section 26 shall deliver to the Commissioner the certificate of approval or permission by the date specified in Form RU-03.

Provided that where a dealer has lodged an objection with the prescribed authority under section 75 against the cancellation, the person may retain the certificate pending resolution of the objection.

26. Declaration of name of manager of business. (Section 96):

(1) The information required under section 96 shall be notified to the Commissioner in Form RF-01 at the time of application for registration.

(2) When the person named in Form RF-01 dies or is changed, the dealer shall notify the Commissioner within thirty days from the death or change in Form RF-02.

(3) An Approved Road Transporter and the operator of an Approved Warehouse shall notify the Commissioner of the name of a designated manager at the time of application for approval or permission in Form TR-01 and WA-01 respectively.

(4) When the person declared as manager dies or is changed, the Approved Road Transporter or operator of an Approved Warehouse shall notify the Commissioner within thirty days from the death or change in Form TR-02 and WA-02 respectively.

27. Nomination of head office in the case of a person having more places of business than one. (Section 20 and Section 26):

(1) Where a dealer has within Arunachal Pradesh more than one place of business (hereinafter referred to as "branches") he shall –

(a) nominate one of such branches as the head office for the purpose of these rules; and

(b) notify the Commissioner in Form RF-01 at the time of application for registration.

(2) When the dealer changes its designated head office, the dealer shall notify the Commissioner within thirty days from the change in Form RF-02.

(3) Where an Approved Road Transporter or operator of an Approved Warehouse has within Arunachal Pradesh more than one place of business (hereinafter referred to as "branches") he shall –

(a) nominate one of such branches as the head office for the purpose of these rules; and

(b) notify the Commissioner in Form TR-01 and WA-01 as the case may be, at the time of application for approval or permission.

(4) When an Approved Road Transporter or operator of an Approved Warehouse changes its designated head office, the person shall notify the Commissioner within sixty days from the change in Form TR-02 and WA-02 respectively.

28. Notification of address for service of notices. (Section 20 and Section 26):

(1) Every person who applies for –

(a) registration under this Act as a dealer;

(b) approval as an Approved Road Transporter; or

(c) permission to operate a Approved Warehouse;

shall, in the application, give an address in Arunachal Pradesh for service.

(2) Every person who has given an address for service and who subsequently changes his address shall, within one month after the change, give to the Commissioner, at the place where he furnished his return, notice in writing in of his new address in Arunachal Pradesh for service in form RF-02, TR-02 or WA-02, as the case may be.

(3) The address for service last given to the Commissioner by any person shall, for all purposes under the Act and Rules, be his address for service.

(4) Where –

(a) no address for service has been given to the Commissioner; or

(b) the Commissioner becomes aware that the person has subsequently changed his address has not notified the Commissioner of such change;

the address for service shall, for all purposes under the Act and Rules, be the last known place of business or abode in Arunachal Pradesh of the person according to any record in the custody of the Commissioner.

(5) Where a person has changed his address and has failed to give to the Commissioner notice in the form RF-02 or TR-02 or WA-02 as the case may be, of his new address in Arunachal Pradesh for service, the person shall not be permitted to plead such change of address as a defence in any proceedings (whether civil or criminal) instituted against him under the Act or Rules.

**CHAPTER IV.
SECURITY**

29. Persons required to furnish security (Section 27 and Section 40)

- (1) For the purposes of section 27 , a person is required to furnish security if the person is:
 - (a) applying for registration under this Act as a dealer;
 - (b) applying for approval as an Approved Road Transporter;
 - (c) applying for permission to operate an Approved Warehouse; and
 - (d) seeking a refund in cash pursuant to section 40 and the person has at any time during the year made a sale which is liable to tax under the Central Sales Tax Act, 1956 in respect of which the person has claimed an exemption from payment of tax or payment of tax at a lower rate on the basis of Statutory declaration forms and where such forms have not been furnished along with the returns for the relevant tax period; or
 - (e) seeking refund in cash pursuant to section 40.
- (2) Notwithstanding sub-rule (1)(a), no security is required from a person applying for registration as a dealer if the turnover of the person in each of the three years prior to the commencement of these Rules was more than twenty lakh Rupees.

Explanation: A person is still required to furnish security if the person is applying for approval as an Approved Road Transporter, applying for permission to operate an Approved Warehouse or seeking a refund in cash pursuant to section 40 .

- (3) A person applying for registration as a dealer and seeking dispensation from furnishing security under sub-rule (2) shall furnish adequate proof of this circumstance.
- (4) For the purposes of section 40, no refund shall be made in cash to a person required to furnish security under clause (d) of sub-rule (1) unless at that time the person has tendered security at least equal to the Annual Cumulative CST Amount as defined in rule 33.
- (5) The security required of a person under clause (d) of sub-rule (1) –
 - (a) must be tendered and renewed each year;
 - (b) must be tendered at or before the time of filing the return for the first tax period of each year during which the person –
 - (i) seeks a refund in cash pursuant to section 40; and
 - (ii) has made a sale which is liable to tax under the Central Sales Tax Act, 1956 (74 of 1956) in respect of which the person has claimed an exemption from payment of tax or payment of tax at a lower rate of tax on the basis of statutory declaration forms; and
 - (c) shall be the amount which the dealer estimates will be its Annual Cumulative CST Amount (as defined in rule 33) on the last day of the year.
- (6) If the Commissioner is satisfied that the security filed by a person has expired or likely to expire or has otherwise fallen insufficient, he shall serve upon the dealer an Order in Form SU-03 requiring him to renew the security or furnish fresh security or additional security.
- (7) Any person offering to furnish or required to furnish security under –
 - (a) the proviso to subsection (5) of section 62 , or
 - (b) sub-section (4) of section 61 , or
 - (c) under sub-section (4) of section 77 ,shall furnish the security in any one of the forms specified in rule 30.

30. Manner in which security may be furnished. (Section 27):

- (1) The tender of an amount or an asset or the undertaking of a liability as security for any purpose of this Act shall be made in Form SF-01.
- (2) Subject to sub-rule (3), where a person is required, or offers, to furnish security for any purpose , the security shall be acceptable only if it is made in any one of the forms listed in Annexure 9. Security may be offered partly in one form and partly in another.
- (3) The security offered by a person seeking a refund in cash pursuant to subsection (2) of section 11 may only be in the form of Item 9 of Annexure 9.
- (4) A security which does not meet the conditions in Annexure 9 shall not be treated as the furnishing of security for the purposes .
- (5) The security shall be accepted only for the amount noted against each form of security in Annexure 9.
- (6) If the security is furnished in any of the forms referred to in Items 2 to 7 (inclusive) of Annexure 9, a document transferring the title to the security shall be executed in the name of Government of Arunachal Pradesh and the transfer recorded and noted in the books of the issuing authority. The person offering the security shall be required to pay the Stamp duty and Registration fee, if any.
- (7) The Commissioner shall maintain a complete account of the securities deposited, forfeited or refunded, in such form and in such manner as the Commissioner deems fit.

31. Safe-keeping, retention and return of security. (Section 27):

- (1) Post Office Savings Bank pass books, deposit receipts of banks, security bonds and agreements, promissory notes or stock certificates tendered as security shall be kept in safe custody by the Commissioner or of an officer nominated by him in this behalf.
- (2) Security tendered in any form shall be retained until the Commissioner orders that there is no further necessity for keeping it.
- (3) Where a person has ceased to be a dealer or to undertake any other activity for which security under the Act might be required, the person may apply for the return, surrender or cancellation of the security in Form SF-02.
- (4) The Commissioner shall issue order on application for release of security in Form SU-02 with four months of the application. A person may object in the manner provided in section 75 if the Commissioner has failed within 4 months to return, surrender or cancel the security.

Provided that, where the person has sought a refund in cash pursuant to sub-section (2) of section 11 at any time, the person may object only if the Commissioner has failed within 18 months to return, surrender or cancel the security.

- (5) No security deposit shall be repaid or re-transferred to the person or otherwise disposed of except in accordance with the terms of the security bond or agreement. While returning or transferring the security to the person, the person shall give an acknowledgment duly signed and witnessed setting forth therein the full particulars of the security returned or transferred to him.

32. Forfeiture of security. (Section 27):

- (1) Where the Commissioner proposes to forfeit a security in full or in part, he shall serve upon the person who furnished the security a notice in the Form SN-01. The order for Forfeiture of Security shall be in Form SU-01.
- (2) Where security was furnished in the form of a mortgage, personal surety bond or a bank guarantee, and the security is forfeited in full or in part, the Commissioner shall in the notice offer the person affected the opportunity to pay the forfeited amount in cash within the time specified in the notice.
- (3) If the amount to be forfeited is not deposited in cash pursuant to subrule (2), the Commissioner shall make an application to the Collector to recover the said amount from the person, his surety or guarantor as arrears of land revenue. The Commissioner will furnish to the Collector the names and addresses of the person, his surety or guarantor and the amount to be recovered. Thereupon the Collector shall proceed to recover the amount from the person or his surety, guarantor or from both according to the law for the recovery of arrears of land revenue.
- (4) Where security has been provided in the form of a pledge of goods, the Commissioner may sell the goods pursuant to the procedure in rule 55.
- (5) Where the security furnished by the person is forfeited in full or in part, the security shall be realised and the proceeds thereof shall be applied in the following order –
- any expenses of the sale and other incidental charges;
 - payment of the amount of any tax, interest and penalty owed under the Act;
 - on application made to the Commissioner and upon provision of sufficient proof, paid to the person entitled to the proceeds of the forfeited security; and
 - in respect of any surplus, deposited in the Consolidated Fund of Arunachal Pradesh.

33. Required amount of security.:

- (1) The amount of security required of a person is the Required Amount noted in the following Table.

Table – Amount of Security

	Circumstance	Required amount
1	A person applying registration under the Act as a dealer	Rs. 50,000 less any reduction amounts prescribed in sub-rule (3)
2	A person who is not registered as a dealer under the Act, and is applying for approval as an Approved Road Transporter, for permission to operate a Approved Warehouse, or both	Rs. 50,000.
3	A person ordered to pay security under sub-section (4) of section 61	The amount ordered
4	A person offering to pay security under sub-section (5) of section 62	Two times the amount of tax payable if the goods were sold in Arunachal Pradesh
5	A person ordered to pay security by the Appellate Tribunal pursuant to sub-section (4) of section 77	The amount ordered
6	A person seeking a refund in cash pursuant to section 40 where the person has at any time during the year made a sale which is liable to tax under the Central Sales Tax Act, 1956 in respect of which the person has claimed an exemption from payment of tax or payment of tax at a lower rate in the return filed for a tax period.	The annual cumulative CST Amount, as defined in sub-rule (4)
7.	A person seeking a refund in cash pursuant to section 40 otherwise than in item (6) above	Nil

- (2) Where a person has tendered the required amount for one circumstance, the same amount shall be counted as security for any other purpose for which security may be required or offered.

Example: A person who has furnished the required amount to be approved as an Approved Road Transporter, will be treated as having furnished the required amount to be registered as a dealer.

- (3) For the purposes of S. No. 1 of above table, where the person tenders to the Commissioner at the time of furnishing the security any of the following documents, the amount of the security shall be reduced by the amount stated below subject to a maximum reduction of Rupees 40,000:

- electricity bill in his name, Rupees 2,500;
- telephone bill in his name, Rupees 2,500;
- Permanent Account Number (PAN) issued under the Income Tax Act, 1961, Rupees 10,000;
- a document as proof of ownership of principal place of business, Rupees 10,000;
- a document as proof of ownership of residential property in Arunachal Pradesh, Rupees 5,000;
- photocopy of the passport of proprietor / managing partner, Rupees 5,000;
- photocopy of trading license issued by the competent authority, Rupees 5000.

- (4) For the purposes of the above Table, the Annual Cumulative CST Amount at any time during a year is the sum of the Savings Amounts for all Qualifying Tax Periods that have ended during the year.

(5) A Qualifying Tax Period is a tax period in which the dealer made a sale which is liable to tax under the Central Sales Tax Act, 1956 (74 of 1956) and in respect of which the dealer claimed an exemption from payment of tax or payment of tax at a lower rate of tax on the basis of statutory declaration forms.

- (6) The Savings Amount for a tax period is the lesser of –

- the amount of any refund for the tax period claimed in cash under the Act; and
- in respect of sales made in the tax period which are liable to tax under the Central Sales Tax Act, 1956 (74 of 1956) the amount of tax that would be payable if the dealer were not entitled to any exemption from payment of tax or payment of tax at a lower rate of tax under that Act reduced by the amount of tax under that Act that the person has paid for the tax period.

Provided that if the Arunachal Pradesh Goods Tax Act 2005 is not in force during the Tax Period, the savings amount shall be the amount specified in (b).

CHAPTER V.
TAX PERIODS AND TAX RETURNS

34. Tax Periods. (Section 28):

- (1) Subject to sub-rules (2) and (3), the tax period for a dealer whose turnover in a particular year –
 - (a) exceeds Rs. One crore, shall be one month; and
 - (b) is at or below Rs. One crore, shall be, at the option of the dealer, either one month or a quarter.
- (2) **First tax period.** The first tax period of a dealer commences on
 - (a) the date notified by the Commissioner as the date on which the dealer's registration takes effect; or
 - (b) in any other case, the date on which the dealer is first liable to pay tax under section 3 .
- (3) **Last tax period.** The tax period of a dealer who ceases to be registered, ceases on –
 - (a) if the registration is terminated by the Commissioner, the date notified by the Commissioner as the date on which the dealer's registration ceases to have effect; or
 - (b) where the dealer dies or is wound up, on the date of death or winding up; or
 - (b) in any other case, on the date of termination of the registration.
- (4) **Consequence of electing monthly tax period.** Where a dealer elects to adopt a tax period of one month –
 - (a) the election shall take effect from the beginning of the next quarter; and
 - (b) the dealer shall continue to have a tax period of one month for at least the next 12 months.
- (5) **Transition from quarter to month.** Where during the course of a particular year, the dealer's turnover first exceeds Rs. One crore, the dealer shall use a tax period of one month commencing from the first day of the month immediately following the completion of its current tax period.
- (6) **Continuation of monthly tax period.** Where the tax period applying to a dealer was one month, the dealer shall continue to have a tax period of one month unless –
 - (a) the dealer's turnover during each the last three months was less than Rs 10 lakhs; and
 - (b) the dealer's turnover during remainder of the year is likely to be less than Rs One crore.
- (7) **Consequence of electing quarterly tax period.** Where –
 - (a) a dealer has a tax period of one month;
 - (b) the dealer is not prohibited from having a tax period of a quarter under either subrule (4) or (6); and
 - (c) the dealer elects to have a tax period of a quarter,the election shall take effect from the first day of the next quarter.
- (8) In this rule, the "turnover" of a dealer shall not include turnover from:
 - (a) the sale of capital assets;
 - (b) sales made in the course of winding up the dealer's activities; and
 - (c) sales made as part of the permanent diminution of the dealer's activities.

35. Returns – General. (Section 28):

- (1) Every return under the Act shall:
 - (a) be made and furnished using the form prescribed in the Rules and provided by the Commissioner for the purposes (if any);
 - (b) contain the information and particulars mentioned or referred to in that form;
 - (c) be signed and verified by the person or authority mentioned in section 31 and in the manner specified in that Form;
 - (d) be accompanied by all documents mentioned in the form;
 - (e) be accompanied by proof in Form FF-08 of the payment of any amount which the person claims to have paid; and
- (2) Where no form for a return is prescribed in these Rules, the return shall be made and furnished in the form provided by the Commissioner.
- (3) Where a document lodged by a person does not meet the requirements of subrule (1), the document shall not be treated as constituting a return for the purposes of these rules.
Provided that the Commissioner may accept a document as constituting a return if the document is substantially in accordance with a prescribed form or the form provided by the Commissioner.
Provided further that the Commissioner may waive, a dealer or class of dealer to furnish document referred to in clause (e) of sub-rule (1) with the return.
- (4) **Agents and auctioneers.** Every person liable to furnish a return as agent for any person (including an auctioneer) shall furnish a separate return for each person for whom he is agent, in addition to his own individual return.
- (5) **Trustees.** Every person liable to furnish a return as a trustee for any person shall furnish a separate return for each person for whom he is a trustee, in addition to his own individual return.

36. Dealers' periodic returns. (Section 28(1)):

- (1) **Form.** Every dealer liable to pay tax under section 3 shall furnish a return in Form FF-01 for each tax period.
- (2) **Time for filing.** A return under sub-rule (1) is due within 28 days from the end of the tax period.
- (3) **Restored registration.** Where a dealer's registration is cancelled and is subsequently restored, the dealer shall furnish within 28 days after the date of the order of restoration of his certificate, all monthly or, as the case may be, quarterly returns relating to the period during which his certificate remained inoperative, and before furnishing such returns he shall deposit the tax due according to these returns in the same manner as he would have done if the certificate was not so cancelled.

37. Importers' return-cum-challan. (Section 28(2)):

- (1) **Form.** Persons who are required to pay entry tax under sub-section (1) (b) of section 3 shall furnish a return in Form FF07.
- (2) **Time of filing.** The return shall be furnished at the time that the entry tax is due or paid.
- (3) **Place of lodgement of return.** Notwithstanding rule 77, the return shall be lodged where the entry tax is paid.

38. Exception returns. (Section 28(3)):

- (1) **Form.** Every person required to file a return under subsection (3) of section 28 , shall do so in Form FF-02.
- (2) **Time of filing.** As specified in the Act, a return under this rule shall be due within 7 days of the occurrence of the event triggering the obligation to pay the amount due.

39. Other returns. (Section 29):

- (1) **Form.** Where the Commissioner, by notice, requires a person to file a return for a period specified in the notice, the person shall file the return in the form specified in the notice.
- (2) **Proof of payment of tax.** Where the return discloses that an amount of tax or interest is due by that person, the person shall file proof of payment of such tax and interest as may be applicable along with the return.
- (3) **Time of filing.** The return shall be filed within the time specified in the notice, which shall not be earlier than 28 days from the date the notice is served on the person.

40. Revised Returns. (Section 30):

- (1) **Form.** A person who wishes to submit a revised return in correction of some error that has been detected, shall do so by furnishing Form FF-03 along with an explanatory note specifying the omissions, errors or incorrect statements because of which it has become necessary to submit a revised return and reasons therefore.

Provided that where any amount of tax is due and payable by the person who wishes to file the revised return, the return shall be accompanied by receipt indicating proof of payment of the amount of tax.

- (2) **Time of filing.** As specified in the Act, a revised return shall be due from the person within 30 days of his detecting the error.

41. Statement for Transitional Input Tax Credit. (Section 15):

- (1) **Form.** Where, upon the commencement of this Act, a registered dealer wishes to claim a tax credit for opening stock held on the notified date under section 15 , the dealer shall furnish the required statement in Form FT-01.
- (2) **Time of filing.** The statement shall accompany any return in Form FF-01 that is filed by the dealer within 4 months of the notified date.

42. Return for stock on hand at Transition. (Section 15):

- (1) **Form.** Where a person is liable under the Act, to pay tax on the closing of trading stock, raw materials, packaging materials for trading stock and finished goods, which had not suffered tax under the Arunachal Pradesh Sales Tax Act 1999, he shall furnish a statement in Form FT-01.
- (2) **Time of filing.** The return under this Rule shall be furnished within 60 days of the commencement of this Act and shall be accompanied by a receipt indicating proof of payment of the tax.

CHAPTER VI.
PAYMENT OF TAX AND MAKING REFUNDS

43. Method of payment of tax, interest or penalty. (Section 38):

- (1) Tax, interest, penalty or any other amount due under the Act may only be paid in Rupees.
- (2) A payment of tax, interest, penalty or any other amount due under the Act may be made either in cash, by means of a crossed cheque, or bank draft drawn in favour of the appropriate Government treasury drawn on an authorised bank and shall be tendered along with a duly completed Form FF-08 or Form FF-07.
Notwithstanding anything contained in this Rule, the Commissioner may provide separate procedures for method of payment of tax, interest or penalty in electronic form.
- (3) Where a payment is made by cheque or bank draft, the date of the payment is the date on which the cheque or bank draft is encashed.
- (4) Any amount due under the Act shall be paid:
 - (a) at a Arunachal Pradesh branch of an authorised Bank; or
 - (b) at a border check-post set up under the Act
 - (c) such branches of authorised banks outside Arunachal Pradesh notified by the Commissioner as authorized to receive payment of tax.
 - (d) any other place notified by the Commissioner.
- (5) A person must pay the amount of a liability in a single payment unless the Commissioner agrees that the person may make more than one payment.
- (6) The Commissioner is not required to give a receipt to a person who pays a tax-related liability unless the person requests a receipt.

44. Rounding.

- (1) Where the Act or Rules requires an amount to be calculated and the amount is not a multiple of ten rupees, the amount shall rounded up or down to the nearest multiple of ten rupees.
- (2) Where an amount of tax, interest or penalty is payable to the Commissioner by a person, and the amount is less than one hundred rupees, the Commissioner shall round the amount down to zero.

45. Treasury to notify payments.

- (1) The Government treasury shall furnish to the Commissioner part B of the Form FF-08 or Form FF-07 retained by it in respect of all payments made in a day together with list of deposits having sufficient information to identify the depositor and the amount deposited by him. The officer in charge of the appropriate Government treasury shall set his hands and seal on the said information before furnishing it to the Commissioner.

46. Proof of payment.

- (1) Any person who claims to have paid any amount on account of tax, interest, penalty, or any other amount due under the Act shall furnish as proof of such payment the Part C of the person's receipted Form FF-08 or Form FF-07.
- (2) On receipt of the part B of the receipted Form FF-08 or Form FF-07 from the Treasury, the Commissioner shall give the credit to the person against tax, interest, penalty or other amount of the amount shown.
- (3) Where a person claims to have paid an amount of tax interest or penalty to the Commissioner and Part 'B' of Form FF-08 or FF-07 is not forthcoming at the time of the assessment or is lost, destroyed, defaced or mutilated, the person must, if requested, furnish to the Commissioner other satisfactory proof of such payment which shall be the Part 'C' or Part 'D' of Form FF-08 or Form FF-07 in respect of any payment, supported by a certificate from the appropriate Government treasury that the payment shown in such Part 'C' or Part 'D' of Form FF-08 or FF-07 was deposited and credited to the Government account and an affidavit from such dealer that Part 'C' or Part 'D' of Form FF-08 or FF-07 and the certificate from the appropriate Government treasury are genuine. On receipt of such documents, the Commissioner shall give the credit to the person against tax, interest, penalty or other amount of the amount shown.

47. Refund of excess payment. (Section 40):

- (1) A claim by a registered dealer for a refund in cash for an amount in respect of tax which is claimed to be due to a person under the Act shall be made either in the Return Form FF-01 or in Form FF-09.
- (2) Where a person claims that he is entitled to refund of tax because of sub-section (6) of section 23, he shall specify the amount sought to be refunded in Form FF-01 or Form FF-09.
- (3) A claim for the refund in cash of any other amount which a person claims is due to him under the Act may be made by the person in writing stating fully and in detail the grounds upon which the claim is made in Form FF-09.
- (4) When the Commissioner is satisfied, after such scrutiny of accounts and such enquiries as he considers necessary, that a refund is admissible, he shall determine the amount of the refund due and record an order in Form FU-01 sanctioning the refund and recording the calculation used in determining the amount of refund ordered.
- (5) Where a refund order is issued under sub-rule (5), the Commissioner shall simultaneously record and include in the order any amount of interest payable under sub-section (1) of Section 44 for any period for which interest is payable.
- (6) The Commissioner shall forthwith serve on the person in the prescribed manner a cheque for the amount of amount of tax, interest, penalty or other amount to be refunded and a copy of the refund order in Form FU-01.

48. Refund of tax for embassies, officials, international and public organisations (Section 43):

- (1) **Conditions of Refund:** Subject to sub-rule (2), an organisation listed in the Sixth Schedule (in this rule called "the organisation") may apply for the refund of the tax borne by it or by a qualified person on the purchase of goods if:
 - (a) the goods are purchased by the organisation or the qualified person;
 - (b) the goods (other than petrol, diesel and other fuels) are for the official use of the organisation or are for the personal use of the qualified person as detailed in the Sixth Schedule;
 - (c) each purchase relates to –

- (i) taxable goods purchased from a registered dealer in a single transaction recorded on a single tax invoice, of a value greater than Rupees 1,000; or
 - (ii) an import above a value of Rupees 10,000 but not including non-taxable imports;
- (d) such other restrictions or conditions as may be notified by the Commissioner have been satisfied.
- (e) the goods are for official use by the organisation or for personal use by eligible members of its staff;
- Provided that, where the goods are not used or consumed by the organisation or its eligible staff making the application, no refund shall be made, unless the goods have been disposed of (other than by way of sale) to another organisation in Schedule VI ; and
- (f) an authorised official of the organisation agrees, in writing, at the time of making the application for the refund, to repay to the Commissioner the amount of the refund granted if the condition at paragraph (c) is violated.

(2)**Form.** A claim for a refund of tax under section 43 shall be made using Form FF-06. The form –

- (a) will be furnished by the organisation on behalf of itself and every qualified person attached to the organisation for whom a refund of tax may be claimed;
- (b) shall report the transactions occurring in the prior quarter for which a refund of tax is claimed; and
- (c) shall be an exhaustive report of all the claims for a refund of tax of the organisation and every qualified person attached to the organisation.

Explanation.- For the purpose of this rule, the organisation shall be deemed to be an agent duly authorised by all qualified persons attached to the organisation to make such a claim.

(3) **Signing of Form.** The form shall be signed by the Chief of the Organisation or a person duly authorized by him. In case the form is signed by an authorized signatory, the form shall be accompanied by the letter of authorization.

(4) **Time of filing.** A claim for a refund of tax may be made for each quarter. The Form FF-05 should be filed within a period of 28 days from the end of the relevant quarter covering all purchases for which the tax invoices have been issued in that quarter.

(5) **Place of lodgement.** An application for refund made under this rule shall be lodged only at the Office of the Commissioner of Arunachal Pradesh Goods Tax.

(6) **Refund when due.** Where an application for refund is made by an embassy or a diplomat eligible to file such application in the prescribed form, manner and time, the refund shall be due within 30 days from the day when the Commissioner receives the application.

(7) When the Commissioner is satisfied, after such scrutiny of documents and such enquiries as he considers necessary, that a refund is admissible, he shall determine the amount of the refund due and record an order in Form FU-02 sanctioning the refund and recording the calculation used in determining the amount of refund ordered.

(8) **Manner of payment.** The amount of any refund shall be paid to a single account with a bank nominated by the organisation and any deposit made by the Commissioner to the account shall be deemed to be paid to the organisation and to every qualified person.

(9) A refund made to the organisation shall be deemed to be made to each qualified person through its agent duly authorised by the qualified person to receive such a payment.

(10) Subject to the restrictions and conditions notified by the Commissioner, for the purposes of this rule, a “qualified person” means a person referred to in Sixth Schedule .

(11) The organisation claiming a refund under this rule shall be required to retain all tax invoices based on which such refund is claimed for a period of 1 year from the date on which the refund is made.

CHAPTER VII.
ASSESSMENTS AND ENFORCEMENT OF TAX AND PENALTIES

49. Commissioner's assessment of tax, interest or imposition of penalty. (Section 34):

- (1) Where the Commissioner makes an assessment of tax, interest or penalty under section 34 or section 35 , the Commissioner shall record the final order of assessment using Form FU-04.
- (2) Form FU-04 is also the notice of the assessment and shall be served on the person in the prescribed manner.
- (3) Upon making the assessment under sub-rule (1), the Commissioner may serve a notice of demand on the person liable to pay the amount mentioned in the assessment order in Form FU-04 and shall be served in the prescribed manner .
- (3) The Commissioner may make assessment of tax for each of the tax period or part thereof, or may make a consolidated assessment of tax for the year.

50. Notice of audit. (Section 59):

Where the Commissioner has decided to audit the affairs of a person under section 59 , the Commissioner may serve on the person in the prescribed manner a notice of in Form FN-02.

51. Recovery of Government dues. (Section 45):

- (1) In case of any amount recoverable in terms of sub-section (2) of section 45 the Commissioner shall issue to the Collector a recovery certificate in Form FU-03.
- (2) The Collector shall intimate to the Commissioner the amount recovered by him together with date thereof.
- (3) Without prejudice to the provisions of sub-section (4) of section 58 , if at any time after the recovery proceedings have been commenced by the Collector the defaulter dies, the recovery proceedings may be continued against the legal representative.
- (4) Any amount recoverable under Chapter VII , shall be recovered in the same manner as provided in sub-rules (1) to (3).

52. Continuation of certain recovery proceedings. (Section 46):

For the purposes of section 46 , the Commissioner shall notify any enhancement or reduction of a demand of a person in Form FU-04 which shall be served on the person in the prescribed manner.

53. Special mode of recovery. (Section 47):

For the purposes of section 47 , the Commissioner shall serve on the person in the prescribed manner Form FU-05 notifying the person of the requirement to pay an amount to the Commissioner.

54. Issue of summons. (Section 76):

- (1) A summons requiring a person –
 - (a) to appear before the Commissioner;
 - (b) to produce documents to the Commissioner; or
 - (c) to appear before the Commissioner and produce documents,

shall be in Form FN-01.

- (2) The Commissioner shall serve a summons under subrule (1) in the prescribed manner.

55. Procedures for sale of property held by the Commissioner. (Section 45 and Section 47)

- (1) Where the Commissioner has in his possession any goods or other property (in this rule called “the property”) which may be sold by the Commissioner in pursuance of any powers conferred under the Act to recover an amount of tax, interest, penalty or other amount due under the Act, the power of sale shall be exercised in the manner set out in this rule.
- (2) The Commissioner shall serve a notice in Form FN-03 in the prescribed manner on the person recorded as the owner of the goods in the Commissioner's records. That notice shall allow the person 30 days in which to redeem the goods by tender of payment in cash of all amounts owed under the Act.
- (3) Where the person has not redeemed the property within the time specified in the form, the Commissioner may proceed to sell the property by public auction following this procedure –
 - (a) A report shall be prepared for the Commissioner of the facts and circumstances in which the notified goods are required to be sold by public auction the Commissioner shall make a written order for sale or disposal of the property.
 - (b) The officer nominated by the Commissioner for the purpose shall cause to be published on the notice board of his office, a list of the property intended for sale with a notice under his signatures specifying the place where, and the day and hour at which, the property is to be sold and display copies of such list and notices at more than one public place near the place where the property are currently held, and the place of the proposed auction. A copy of the list and notice shall also be displayed in the office of the Commissioner. Normally, a notice for not less than seven days shall be given before the auction is conducted.
 - (c) Intending bidders shall be required to deposit as earnest money a sum equal to ten per cent of the estimated value of the property. The officer conducting the auction shall prepare a receipt acknowledging the receipt of the earnest money. Earnest money deposited by unsuccessful bidders shall be refunded to them immediately after the auction is over.
 - (d) At the appointed day and time, the property shall be put up in one or more lots, as the officer conducting the auction sale may consider advisable and shall be knocked down in favour of the highest bidder subject to confirmation of the sale by the Commissioner.
 - (e) The purchaser shall pay the sale value of the property in cash immediately after the sale and he will not be permitted to carry away any part of the property until he has paid for the same in full and until the sale has been confirmed by

the Commissioner. If the purchaser fails to pay the purchase money within a reasonable time after completion of the auction, the property shall be re-offered for auction and any earnest money deposited by the defaulting bidder shall be forfeited to the Government.

- (4) If any order directing detention is reversed on appeal, the property detained, if not already sold, shall be released or, if they have been sold, the proceeds thereof shall be paid to the owner of the property.
- (5) Notwithstanding anything contained in this rule, if the property is of a perishable nature or subject to speedy and natural decay or when the expenses of keeping them in custody are likely to be high, the Commissioner may –
 - (a) reduce the time stated in Form FN-03 during which the owner may redeem the goods;
 - (b) reduce the time for display of any notice; and
 - (c) accelerate the time for the conducting the auction of the property.
- (6) Where property is sold under the preceding rules, the proceeds of sale shall be applied in the order described in the following order-
 - (a) payment of any expenses of the sale, including tax arising under the Act by virtue of the sale, and other incidental charges;
 - (b) in respect of any surplus, payment of the amount of any tax, interest and penalty recoverable under the Act or Arunachal Pradesh Sales Tax Act 1999;
 - (c) in respect of any surplus, on application made to the Commissioner and upon provision of sufficient proof, payment to the person who was the owner or the goods; and
 - (d) in respect of any surplus, in the absence of any claimant, deposited in the Consolidated Fund of Arunachal Pradesh.

CHAPTER VIII. ACCOUNTS AND RECORDS

56. Books and Accounts. (Section 49) :

The following records should normally be maintained by a taxable person-

- (1) **Dealers and importers.** All persons liable to pay tax under this Act shall maintain regular, true and correct accounts of all business transactions particularly in relation to the sale and purchase of goods.
 - (a) The records should be maintained in such a manner that the entry tax, the input tax, the output tax, the net tax, and the tax credit due can easily be ascertainable.
 - (b) Dealers opting for simplified accounting methods shall maintain records in such a manner that the entry tax, and the net tax due through the simplified accounting method can easily be ascertainable
 - (c) For the guidance of the dealers, they may maintain records in the formats prescribed in Form FF-11 and FF-12 in respect of purchases and sales respectively.
- (2) **Warehouses.** Every owner or lessee of a cold store, warehouse, godown or any such place, who stores goods for hire or reward shall maintain or cause to be maintained a correct and complete account indicating the full particulars of the person whose goods are stored and the quantity, value, date of arrival and date of dispatch of such goods.
- (3) **Transporters.** Every person who carries goods for reward shall maintain or cause to be maintained a correct and complete account indicating the full particulars of the person whose goods are carried, the quantity, value, place and date of delivery of such goods, any challan FF-07 received by the transporter.

57. Accounts to be audited in certain cases. (Section 50):

The report of audit under section 50 shall be furnished to the Commissioner in Form FF-10 with the next return under subsection (1) of section 28 due from the dealer after the audit has been completed.

58. Credit and Debit Notes. (Section 52):

- (1) For the purposes of section 52, a credit note and a debit note shall contain the following particulars:
 - (a) the name, address and registration certificate number of the selling registered dealer;
 - (b) the name and address of the purchaser;
 - (c) a description of the reason for issuing the credit note or debit note;
 - (d) the number of any relevant tax invoice affected by the credit note or debit note;
 - (e) the amount of the variation to the tax amount shown on the tax invoice; and
 - (f) the signature of the selling dealer or his servant, manager or agent, duly authorised by him.

59. Information to be furnished at check-posts and barriers. (section 62):

- (1) For the purposes of subsection (2) of section 62, every person in charge of a goods vehicle carrying goods which have been imported into Arunachal Pradesh shall carry and produce on demand, whether at a check-post set up under the Act or elsewhere, the following documents:
 - (a) a copy of the commercial invoice upon which the goods have been purchased;
 - (b) a copy of a goods receipt in respect of the goods in the vehicle; and
 - (c) either-
 - (i) a declaration under subrule (2); or
 - (ii) a copy of the challan certifying pre-payment of entry tax due.
- (2) A declaration under this rule shall be made under the hand in Form DG-01, contain the information required under sub-rule (3), (4) or (5), and shall declare either that-
 - (a) the owner or person in charge is an Approved Road Transporter and is delivering the goods to a registered dealer in Arunachal Pradesh;
 - (b) the goods are to be delivered to a Approved Warehouse in Arunachal Pradesh; or
 - (c) the goods are in-transit through Arunachal Pradesh,
- (3) The declaration referred to in sub-rule (2)(a) above shall be duly signed and dated by the transporter and shall contain the following particulars:
 - (a) the name, address and registration certificate number of the registered dealer to whom the goods are to be delivered;
 - (b) the name and address of the exporter;
 - (c) details of the goods including name or description, quantity and value;
 - (d) the Approved Road Transporter's name, address and approval number; and
 - (e) the expected date of arrival of the goods in Arunachal Pradesh.
- (4) The declaration referred to in sub-rule (2)(b) above shall be duly signed and dated by the transporter and shall contain the following particulars:
 - (a) the name, address and permission number of the Approved Warehouse to which the goods are to be delivered;
 - (b) the name and address of the exporter;
 - (c) the transporter's name and address;
 - (d) details of the goods including name or description, quantity and value; and
 - (e) the expected date of arrival of the goods in Arunachal Pradesh.
- (5) The declaration referred to in sub-rule (2)(c) above shall be duly signed and dated by the transporter and shall contain the following particulars:
 - (a) the name and address of the exporter;
 - (b) the name and address of the person to whom the goods are to be delivered;
 - (c) the transporter's name and address;
 - (d) details of the goods including name or description, quantity and value; and
 - (e) the expected date of arrival of the goods in Arunachal Pradesh.

CHAPTER X.
GOODS TAX AUTHORITIES AND APPELLATE TRIBUNAL

60. Goods Tax Authorities. (Section 67):

The Goods Tax Authorities are specified in Annexure 10.

61. Designation of other persons appointed to assist the Commissioner. (Section 67):

Persons who may be appointed to assist the Commissioner, under sub-section (2) of section 67 may be designated as:

- (a) Additional Commissioner, Deputy Commissioner, Assistant Commissioner, Goods Tax Officer, Assistant Goods Tax Officer, Goods Tax Inspector and Assistant Goods Tax Inspector;
- (b) Deputy Superintendent of Police and Inspector of Police on deputation to Goods Tax Department;

62. Conditions upon delegation of powers by the Commissioner. (Section 69):

Without prejudice to the provisions of section 68, the Commissioner may delegate:

- (a) any of his powers to a person not below the rank of Assistant Goods Tax Officer; ;
- (b) his powers under sub-section (1) or sub-section (2) of section 60 to a person not below the rank of a Goods Tax Officer; and
- (c) his powers under Section 61 to a person not below the rank of a Goods Tax Inspector.

63. Superintendence and control. (Section 68):

Subject to the general control and superintendence of the government, control and superintendence over all officers appointed under sub-section (2) of section 67 shall vest in the Commissioner.

64. Conditions subject to which an officer may be authorised to investigate offences punishable under the Act. (Section 92):

The Commissioner shall not authorize any officer for the purpose of sub-section (1) of section 92 who is lower in rank than Additional Commissioner.

65. Exercise of powers by the superior authorities. (Section 67(3)):

Any power conferred by these rules upon any authority may be exercised by any superior authority under the Act and these rules.

66. Objections to decisions of the superior authorities. (Section 69):

Notwithstanding any law or doctrine to the contrary, the power conferred by the Act and these rules upon the prescribed authority to determine any objection may be exercised by the prescribed authority notwithstanding the fact that the prescribed authority may be lower in rank than the authority whose decision is under review.

**CHAPTER XI.
DISPUTES**

67. Authority to whom objection may be filed. (Section 75):

An objection under sub-section (1) of section 75 shall lie to:

- (a) Joint Commissioner, Deputy Commissioner, Additional Commissioner, Special Commissioner and Assistant Commissioner;
- (b) Goods tax Officer.

Provided that the Commissioner may, by notice published in the Official Gazette, fix the jurisdiction of the respective prescribed authority on the basis of territory or pecuniary limit or nature or class of objections or on any other basis that may be deemed appropriate

68. Making of objections. (Section 75 and Section 76):

- (1) Every objection shall be made in Form DF-01 and shall be submitted in triplicate with one copy to the authority against whose order the objection has been preferred.
- (2) Every objection shall contain a clear statement of facts, precise grounds of objection and the relief claimed.
- (3) Where an objection is not made within the prescribed time, it shall be accompanied by a statement in Form DF-02, showing the reason for the delay in making the objection within the prescribed time.
- (4) Where fresh evidence is sought to be produced to the Commissioner, the objection shall be accompanied by a memorandum of the evidence sought to be produced, stating clearly the reasons why such evidence was not adduced before the Goods Tax authority against whose order the appeal is being preferred.
- (5) The objection shall be signed by the person making such objection or his agent and shall be presented by him or his agent to the prescribed authority in person.

69. Commissioner's report to prescribed authority. (Section 75):

- (1) Where a person has lodged an objection with the prescribed authority, the authority against whose order the objection has been preferred (hereinafter referred to as 'assessing authority') shall –
 - (a) furnish to the prescribed authority a written statement stating in detail the assessing authority's reasons for the decision; and
 - (b) at the same time, furnish a copy of the statement to the person who lodged the objection.

70. Hearing and determination of objections. (Section 75(5)):

- (1) The prescribed authority shall conduct its proceedings by examining
 - (a) the registers and records maintained by the Commissioner in relation to the matter in dispute;
 - (b) the statement prepared by the assessing authority under rule 69; and
 - (c) the objection.

It may –

- (i) admit any further oral or documentary evidence that is relevant to the matters in dispute; and
 - (ii) allow the applicant to present its arguments in person, by a representative and by document.
- (2) The Commissioner may seek clarification on the Objection Application, or may seek to get the defects in the Objection Applications rectified by issuing a notice in Form DN-01.

Explanation 1: This will not prohibit the Commissioner to seek clarification or get defects rectified by asking orally during the course of hearing.

Explanation 2: Nothing contained in this rule will vitiate the Commissioner's determination on the objection if the Commissioner does not provide an opportunity to rectify the defects in the objection application.

- (3) Where the applicant has requested a hearing, the prescribed authority shall not reject the objection without affording a reasonable opportunity of being heard to such person.
- (4) The prescribed authority shall not at any hearing, allow the appellant to argue or present any ground of objection not specified in the objection unless the authority is satisfied that omission of that ground therefrom was not willful nor unreasonable.
- (5) The Prescribed authority may before deciding the objection, hold such further enquiry or direct such enquiry to be held by the authority against whose decision the objection has been preferred, as the Prescribed authority may consider necessary. The assessing authority may be represented by a person authorised by him.
- (6) In case of an objection against an order of assessment of penalty, notwithstanding the amounts mentioned in section 87, the prescribed authority, for reasons to be recorded in writing, may remit the amount of penalty assessed (either in whole or in part) depending upon the facts and circumstances of the case.

Explanation : The amount of penalty imposed after hearing the objection should be commensurate with the gravity of the act of commission or omission warranting penalty, and not mechanically be the amount prescribed in section 87.

- (7) The decision of the prescribed authority shall be prepared and notified to the applicant in Form DU-01.
- (8) The decision notice DU-01 shall be served on the applicant in the prescribed manner.

71. Delay. (Section 75(7), and 75(8)):

- (1) An application for adjournment under the second proviso of sub-section (7) of section 75 shall be in form DF-06. The order on the application for adjournment shall be in Form DN-02.
- (2) A notice for the purpose of sub-section (8) of section 75 shall be in Form DF-05.
- (3) The notice shall be signed by the person making the objection or his authorized agent and shall be served on the Commissioner.
- (4) A notice for extension of limitation period under the first proviso to sub-section (7) of section 75 shall be in form DU-02.

72. Recovery or refund on account of objection, supervision, review or order of rectification

The procedure for the refund of any amount due in consequence of an order made pursuant to an objection, revision, or any other proceeding under the Act, shall be that provided in rule 47.

73. Determination of disputed questions

- (1) Any person desiring that a question referred to in section 85 or 86 shall submit a concise statement of the case stating therein precisely the question to be determined, and indicating clearly the basis for the question. The statement shall be in writing in Form DF-03 or Form DF-04 respectively and must be accompanied with a challan in form FF-08 for the amount of prescribed fee as a proof of payment of prescribed fee.
- (2) The statement of the case referred to in sub-rule (1) shall contain a declaration that the question submitted for determination of the Commissioner does not arise from any order passed under the Act or under the Arunachal Pradesh Sales Tax Act, 1999, which was in force before the commencement and shall be signed by the person or his agent.
- (3) The Commissioner, after considering all the relevant material produced before him in this connection, shall determine the question or questions referred to him.
- (4) The decision of the Commissioner shall be prepared and notified to the applicant in writing.
- (5) An order determining the questions shall be made by the Commissioner within a period of six months from the date of the submitting the question.

CHAPTER XII. MISCELLANEOUS

74. Printing of forms.

All forms prescribed in these rules shall be printed under the authority of the Commissioner and be obtainable from him or his authorized agent on payment of such charges, as may be specified by the Commissioner from time to time.

Provided that any form in force before commencement of these rules and which may be specified by the Commissioner by order in writing may continue to be used for such period as specified in the said Order

Provided further that the provisions of this rule shall not apply to such form or forms as the Commissioner may specify in this behalf

75. Power to accept forms substantially in compliance with requirements.

(1) Where a return, application, form, objection or other document (in this section called a “document”) lodged by a person with the Commissioner does not meet one or more of the requirements of these rules, the Commissioner may accept the return, application, form or other document as meeting the requirements of the rule if it is substantially in accordance with the requirements of these Rules.

Explanation: No penalty for the failure to file the document or for the failure to file the document by its required date would arise if the document is accepted under this power.

(2) The Commissioner may by notice in writing sent to the person at his address for service require a person to complete, revise or supplement a document that has been accepted under subrule (1).

(3) Where the Commissioner has accepted a document pursuant to subrule (1) and the person has failed within the time specified to complete, revise or supplement a document, the Commissioner may thereupon reject the document.

(4) Where a document has been rejected under subrule (3), it shall be treated for all the purposes and rules as if the document had not been accepted.

Explanation: A penalty for the failure to file the document or for the failure to file the document by its required date may arise where the document is rejected under this power.

76. Service of documents.

(1) Subject to sub-rules (5) and (9), any notice, summons, order or other document (in this section called a “document”) required to be served on a person in the prescribed manner under the Act or these rules shall be served by:

- (a) delivering the document;
- (b) tendering the document; or
- (c) sending the document by registered post;

to –

- (i) the person;
- (ii) a person apparently employed by him;
- (iii) the person currently nominated under rule 26 as the person’s manager; or
- (iv) to any adult member of his family;

at the person’s address for service.

Provided that where the authority at whose instance the document is to be served on inquiry is satisfied that the said office, building, place of residence is known not to exist or is not traceable, such officer may, by order in writing, dispense with the requirement of service of the notice or summons,

- (i) by sending the document by facsimile; or,
- (ii) by sending the document by electronic mail.

to the fax number or e-mail address of the person.

(2) A document may be delivered or tendered to a person by any officer or other person authorised (in this section called the “server”) by the Commissioner for that purpose.

(3) When a document is delivered or tendered, the server shall require the signature of the person to whom the document is delivered or tendered as acknowledgement of the service.

(4) Where a person –

- (a) refuses to accept delivery or tender; or
- (b) refuses to sign an acknowledgement of service;

the server shall affix a copy of the document on some conspicuous part of the address for service.

(5) If –

- (a) a server has attempted to serve a document by any of the methods referred to in subrule (1) and the Commissioner is satisfied that the addressee is evading service of document; or
- (b) for any other reason, the document cannot be served by any of the methods referred to in subrule (1),

the document shall be served in the prescribed manner if the document is –

- (i) affixed to some conspicuous part of the person’s address for service; or
- (ii) affixed to some conspicuous part of the person’s known place of residence.

(6) When a document is served in accordance with subrule (5), the server shall prepare a report of the circumstances.

(7) Where service of a document is made by post, the service shall be deemed to be effected by properly addressing, pre-paying and posting the document by registered post.

(8) If a document is served by post, the document shall be deemed to be served on the person seven days after the document was sent.

(9) Where the Commissioner is satisfied that service of a document cannot be effected in any of the methods provided in this rule, he may by order in writing, dispense with the requirement of service of a document.

77. Filing of documents with Commissioner.

- (1) Subject to sub-rule (4), any application, return, form, or other document (in this section called a “document”) which is to be lodged with or submitted to the Commissioner under the Act or these rules shall be lodged or submitted by:
 - (a) delivering the document to the Commissioner at his office;
 - (b) delivering the document to the Commissioner at any other place he may notify;
 - (c) sending the document to the Commissioner by registered post; or
 - (d) such other means as the Commissioner may notify, including electronic means.
- (2) Where lodgement of a document is made by post, the lodgement shall be deemed to be effected by properly addressing, pre-paying and posting the document by registered post.
- (3) **When a document is submitted.** A document shall be treated as submitted by a person with the Commissioner,
 - (a) if the document is submitted by delivery at a place notified by the Commissioner, once the document has been stamped with the date of receipt by the Commissioner or by any other person authorised by the Commissioner to receive the document;
 - (b) if the document is lodged by post, fourteen days after the document was sent.
- (4) An application for registration or filing of objection may not be lodged in the manner specified in sub-rule (1)(c).

78. Qualifications to be possessed by Goods Tax Practitioner. (Section 83):

- (1) A Goods tax practitioner referred to in section 83 shall be eligible to have his name entered in the list, if –
 - (a) he possesses any of the qualifications specified in rule 50 or rule 51 of the Income Tax Rules, 1962, as amended from time to time; or
 - (b) he –
 - (i) was formerly an employee of the Sales Tax Department or Goods Tax Department;
 - (ii) held during service in the department an office not lower in rank than that of a Goods Tax Officer for not less than seven years; and
 - (iii) is, in the opinion of the Commissioner, a fit and proper person to appear or act in proceedings under the Act and these rules.
- (2) A person referred to in subrule (1)(b) shall not be eligible to appear before the prescribed authority on behalf of a person for a period of one year after he ceased to be an employee of the Department.
- (3) A person who wishes to have his name entered in the list referred to in sub-section (1)(c) of section 83, shall –
 - (a) apply to the Commissioner in writing;
 - (b) pay the prescribed fee; and
 - (c) submit with his application documentary evidence of his eligibility.
- (4) The Commissioner shall maintain a register of all persons whose names are entered under the procedure in this rule.
- (5) The Commissioner shall issue an enrollment Certificate in Form PR-01 to the person enrolled under this rule.
- (6) The enrollment under this rule shall be valid for ten years from the date of issue.

79. Officers to carry and produce authorisations. (Section 61 and Section 62):

- (1) Where the Commissioner wishes to appoint an officer or other person to exercise any of the powers in Chapter X, the grant of authority to exercise the powers shall be in Form AU-01 and shall be issued under the hand of the Commissioner.
- (2) The grant of authority shall be –
 - (a) limited to a period not to exceed one year; and
 - (b) to a specific person; and
 - (c) expire on retirement, resignation, transfer or removal of the person from the post;
 Provided that a grant of authority may be renewed.
- (3) Every officer or other person authorised by the Commissioner under sub-rule (1) shall –
 - (a) carry the Form AU-01 with him when purporting to exercise any of the powers conferred under the section; and
 - (b) produce Form AU-01 if requested by the owner or occupier of any premises where the proposes to exercise these powers.

80. Location of check-posts and barriers. (Section 102):

The check-posts and barriers set up for the purposes of section 102 are located at the places described in the Annexure 4.

81. Power to amend Annexures appended to these rules.

- (1) If the Government is of opinion that it is expedient in the interest of general public so to do, it may, by notification in the Official Gazette, add to, or omit from, or otherwise amend, the Annexures and Forms, prospectively, and thereupon the said Annexure or Form shall be deemed to have been amended accordingly.
- (2) The Government may amend the said Annexure or Form retrospectively if such amendment does not prejudicially affect the interest of any dealer and it does not violate the principles of equity.
- (3) The Commissioner may, if he is of opinion that it is expedient in the interest of general public so to do, he may, by notification in the Official Gazette, add to, or omit from, or otherwise amend, the Annexure 7 and Annexure 9 prospectively, and thereupon the said Annexure shall be deemed to have been amended accordingly.

82. Repeal and savings.

- (1) The Arunachal Pradesh Sales Tax Rules 1999, are hereby repealed.
- (2) Notwithstanding sub-section (1), such repeal shall not affect the previous operation of the said Rules or any right, title, obligation or liability already acquired, accrued or incurred thereunder.
- (3) For the purposes of sub-section (2), anything done or any action taken including any appointment, notification, notice, order, rule, form or certificate in the exercise of any powers conferred by or under the said Rules shall be deemed to have been done or taken in the exercise of the powers conferred by or under these Rules, as if these Rules were in force on the date on which such thing was done or action was taken.

ANNEXURE 1.
PRESCRIBED FORMS

Number	Title
Registration	
RF – 01	Application for Registration as a Dealer.
RF-02	Application for Amendment of Registration as a Dealer.
RU-01	Certificate of Registration as a Dealer.
RF-03	Application of Cancellation of Registration as a Dealer by the dealer.
RN-02	Notice to Register a person as a Dealer.
Transporters	
TR – 01	Application for approval as Approved Road Transporter.
TR-02	Application for Amendment of approval as Approved Road Transporter.
TU-01	Certificate of approval as Approved Road Transporter.
TR-03	Application of Cancellation of approval as Approved Road Transporter.
Approved Warehouses	
WA – 01	Application for approval as Approved Warehouse.
WA-02	Application for Amendment of approval as Approved Warehouse.
WU-01	Certificate of approval as Approved Warehouse.
WA-03	Application of Cancellation of approval as Approved Warehouse.
Amendment and Cancellation	
AU-02	Order on Amendment application
AU-03	Order of Amendment (suo-moto)
RN-01	Show Cause Notice for rejection of Application for Registration/ Amendment/ Cancellation.
RU-02	Order of Cancellation of Registration / Approval (on application)
RU-03	Order of Cancellation of Registration/ Approval (suo-moto)
RU-04	Order of Rejection of Application for Registration/ Cancellation
Simplified Accounting Methods	
FF-04	Application for Opting for Simplified Accounting Method.
FF-05	Application for withdrawing from Simplified Accounting Method.
Security	
SF-01	Form for tendering security under the Act
SF-02	Application for return, surrender or cancellation of security
SN-01	Notice for Forfeiture of Security
SU-01	Order for Forfeiture of Security.
SU-02	Order for release of security
SU-03	Order for Demand of Security
Returns	
FF-01	Dealer Goods Tax Return.
FF-02	Exception return
FF-03	Revised Return
FF-06	Application for refund of tax by Embassies and Diplomats.
FF-07	Return-cum-challan
FF-08	Tax deposit challan
FF-09	Application for Refund
Transition Forms	
FT-01	Statement for claim of input tax credit and tax to be paid on opening stock at hand at transition.
Assessment and enforcement	
FU-01	Refund order for dealer
FU-02	Refund Order for Embassies etc.
FU-03	Recovery Certificate to the Collector
FU-04	Notice and Order of Assessment
FU-05	Notice for special mode of recovery.
FN-01	Notice of summons to appear and/or produce documents
FN-03	Notice of proposed sale of goods

FN-02 Notice for audit of a person's affairs.
FN-04 Notice for withholding of refund

Disputes

DF-01 Objection Form
DF-02 Application for condonation of delay
DF-03 Application for determination of a specific question by the Commissioner
DF-04 Application for ruling on general question by the Commissioner
DF-05 Notice of delay
DF-06 Application for adjournment
DN-01 Notice for clarification on objection application.
DU-02 Notice for extension of limitation period.
DN-02 Order on application for adjournment.
DU-01 Decision of the Commissioner in respect of an objection

Miscellaneous

AU-01 Grant of authority
FF-10 Audit Report
FF-11 Specimen Purchase Book.
FF-12 Specimen Sale Book.
PR-01 Enrollment Certificate for Goods Tax Practitioner
DG-01 Declaration to be furnished at the Check Posts

ANNEXURE 2
AUTHORISED BANKS
{ Rule-2(3)(6) }

Bank/Branch Name	Branch Code	Address
State Bank of India (Treasury/Chest Branches)		
1. Tawang	5844	Tawang
2. Tenga Valley	3594	West Kameng
3. Daporijo	5818	Upper Subansiri
4. Ziro	1396	Lower Subansiri
5. Naharlagun	3232	Papum-pare
6. Itanagar	6091	Papum-Pare
7. Pasighat	1395	East Siang
8. Along	1677	West Siang
9. Yinkiong	7228	Upper Siang
10. Roing	5821	Dibang Valley
11. Tezu	1520	Lohit
12. Khonsa	1584	Tirap
13. Changlang	6007	Changlang
14. Jairampur	7436	Changlang
State Bank of India (Non Chest Branches)		
1. Bhalukpong	8516	West Kameng
2. Lekabali	6012	West Siang
3. Basar	6032	West Siang
4. Rupa	7620	West Kameng
5. Doimukh	6892	Papum-pare
State Bank of India (Outside Arunachal Pradesh Branch)		
1. Guwahati Main Branch	0078	Panbazar, Guwahati
2. Tezpur Main Branch	0195	Near Padum Pukhuri, Tezpur
3. Tinsukia Main Branch	0196	A.T. Road, Tinsukia
4. Dibrugarh Main Branch	0710	Thana Cahriali, Dibrugarh
5. Jorhat Main Branch	0104	A.T. Road Jorhat.

**ANNEXURE 3.
PRESCRIBED FEES**

Circumstance requiring fee	Amount In rupees
Registration	
Application for registration	Rs. 100
Request for duplicate of certificate of registration	Rs. 500
Inspection and copies of documents	
Inspection of documents: first hour	Rs. 50
Inspection of documents: for each subsequent hour	Rs. 25
Inspection of documents: document made in a prior year	Rs. 100 per hr.
Making copies of documents in the Commissioner's possession first 5 pages:	Rs. 2 per page
Making copies of documents in the Commissioner's possession: for every subsequent page.	Rs. 5 per page
Additional fee where copies of documents are required urgently	Rs. 100
Objections and disputes	
Lodging an objection	Rs. 500
Any other application	Rs. 500
On Vakalatnama or Mukhtiarnama	Rs. 50
Application for determination of a question under section 85 or 86	Rs. 2000
Application to be recognised as a sales tax practitioner	Rs. 2000

ANNEXURE 4.
LOCATIONS OF CHECK-POSTS AND BARRIERS
 (Rule-80 Section-102)

Name of District	Location	Address
Papumpare	Banderdewa	1. Near PWD Store, Banderdewa
	Kimin	2. Kimin
West kameng	Bhalukpong	3. Tippi, P.O Bhalukpong
West Siang	Likabali	4. Forest Checkgate, near petrol Pump, Likabali.
East Siang	Ruksin	5. Forest Quarter, near ILP check gate, Ruksin.
	Kemi	6. Forest Checkgate, Kemi
Lower Dibang valley	Shantipur	7. Near ILP check gate, Shantipur
Lohit	Sunpura	8. Sunpura
	Dirack gate	9. Near ILP check gate Dirak gate
Changlang	Namdang	10. Old Forest Corporation Checgate
	Jairampur	11. Near ILP Check gate, Jairampur
	Kharsang	12. Near C.O office, Kharsang
	Bordumsa	13. Near ILP check gate, Bordumsa
Tirap	Deomali	14. Near Forest office, Deomali
	Hukanjuri	15. Nakphan Forest checkgate
	Kanubari	16. Near ILP check gate, Bordumsa

ANNEXURE 5.
LIST OF SERVICES INCLUDED IN THE DEFINITION OF BUSINESS
{ Rule-3(2), Section-2 (7)(i) }
[To be specified from time to time]

ANNEXURE 6.
**LIST OF SPECIFIED ACTIVITIES OF GOVERNMENT OR SEMI GOVERNMENT OR AUTONOMOUS AGENCIES TO
FALL WITHIN THE PERVIEW OF DEFINITION OF DEALER**
{ Rule-3(2), Section-2(1)(ii) }
[To be specified from time to time]

ANNEXURE 7 – Adequate Proof

{ Rule-3 (3) }

Section / Rule	Situation	Adequate proof shall be ...
Section 14	For the purpose of claiming an input tax credit on second hand goods purchased by a registered dealer from an unregistered dealer	An invoice or receipt issued by the seller to the person claiming the credit which shows: (a) the nature of the goods, (b) the amount paid for the goods, and (c) the name of the seller which is signed by the seller.
Section 18	Where a dealer is registered or re-registered, and is entitled to a tax credit for input tax or entry tax paid on stock or raw materials held when dealer's registration takes effect	In the case of input tax, a tax invoice issued by a registered dealer to the person claiming the credit. In the case of entry tax, FF-08 evidencing proof of payment of entry tax.
Section 19	Evidence to be sighted by an Approved Road Transporter or other transporter before releasing goods into the possession of another person	Either (a) FF-08 evidencing proof of payment of entry tax; or (b) a declaration under Rule 59.
Rule 27	Proof of a dealer's turnover exceeding 20 lakh Rupees	Any one of the following: (a) in the case of a company, a photocopy of the accounts of the company for the three prior years audited in the manner prescribed under the Companies Act 1956; (b) income tax returns furnished by the applicant for the three prior years; (c) bank statements for the three prior years for bank accounts owned and operated by the applicant; or (d) annual returns for the three prior years filed by the applicant under the Arunachal Pradesh Sales Tax Act, 1975 (Act 43 of 1975) or Arunachal Pradesh Sales Tax on Works Contract Act 1999 (Arunachal Pradesh Act No.9 of 1999).
Section 40	When a dealer has made an inter state sale which is liable to tax under the Central Sales Tax Act, 1956 (74 of 1956) in respect of which the person has claimed an exemption from payment of tax or payment of tax at a lower rate of tax on the basis of statutory declaration forms prescribed under the Central Sales Tax Act, 1956	The application for a claim of refund on account of interstate sales shall be supported by the following documents: (a) The declaration Form prescribed under Central Sales Tax (Registration and Turnover Rules), 1957; Provided that the Commissioner may consider the claim of refund against security and defer the submission of the declaration form until filing of Annual Reconciliation Statement under the Central Sales Tax (Arunachal Pradesh) Rules for the applicable year. (b) Copy of bill of lading; (c) Copy of invoice issued to the purchaser; (d) Transporter's bill; and (e) Copy of invoice and details of payment.
Section 40	When a dealer has made an export outside India which is not liable to tax under the Act, and in respect of which the person has claimed an exemption from payment of tax.	The application for a claim of refund on account of direct export out of the territory of India, shall be supported by the following documents: (a) Certified copy of the invoice issued to the foreign buyer; (b) Transport documents i.e. Bill of lading, Airway Bill or similar documents; (c) Evidence of receipt of payment from the foreign buyer to the account of the person attested by the Manager of the bank or a copy of the irrevocable letter of credit.

ANNEXURE 8 – Percentages for Works Contracts
 { Proviso to Rule-5 (2), Section-5 (2) }

	Type of contract	Labour & service charges as percentage of total value of the contract
1	Fabrication and installation of plant and machinery.	Twenty five percent
2	Fabrication and erection of structural works of iron and steel including fabrication, supply and erection of iron trusses, purlins and the like.	Fifteen percent
3	Fabrication and installation of cranes and hoists.	Fifteen percent
4	Fabrication and installation of elevators (lifts) and escalators.	Fifteen percent
5	Fabrication and installation of rolling shutters and collapsible gates.	Fifteen percent
6	Civil work like construction of buildings, bridges, roads, dams, barrages, canals and diversions.	Twenty five percent
7	Installation of doors, door frames, windows, frames and grills.	Twenty percent
8	Supply and fixing of tiles, slabs, stones and sheets.	Twenty percent
9	Supply and installation of air conditioners and air coolers.	Fifteen percent
10	Supply and installation of air conditioning equipment including deep freezers, cold storage plants, humidification plants and de-humidors.	Fifteen percent
11	Supply and fitting of electrical goods, supply and installation of electrical equipments including transformers.	Fifteen percent
12	Supply and fixing of furniture and fixtures, partitions including contracts for interior decorators and false ceiling.	Twenty percent
13	Construction of Railway coaches and wagons on under carriages supplied by Railway.	Twenty percent
14	Construction or mounting of bodies of motor vehicle and construction of trailers.	Twenty percent
15	Sanitary fitting for plumbing and drainage or sewerage.	Twenty five percent
16	Laying underground surface pipelines, cables or conduits.	Thirty percent
17	Dyeing and printing of textiles.	Thirty percent
18	Supply and erection of weighing machines and weighbridges.	Fifteen percent
19	Painting, polishing and white washing.	Thirty percent
20	All other contracts not specified from Sl. No. 1 to 19 above.	Twenty percent

**Annexure 9 – Forms of Security
(Rule-30, Section-27)**

	Form of security	Conditions	Amount of security
1	Cash	The Government will not pay any interest on security deposit, held in the form of cash. Such security deposits may, however, be converted into any of the interest bearing forms of security specified in Items 2 to 5 below if the dealer expressly requests this in writing.	Amount of cash or face value of cash deposited in interest bearing security
2	Promissory notes, Stock certificates of any State Government	-	These securities shall be accepted at five per cent below their market price or at their value, whichever is less.
3	Post Office Cash Certificates, Treasury Savings Deposits, National Plan Savings Certificates, 12 Year National Defence Certificates, 10 Year National Defence Certificates.	These certificates shall be formally transferred to the President of India and shall be accepted with the sanction of the Post Master of the office of registration.	Surrender value at the time of tender
4	Post Office Savings Bank Pass Books	A pass book, for a deposit made under the Post Office Savings Bank Rules may be accepted as security provided that the dealer has signed and delivered to the Post Master a letter in the prescribed form as required by the said rules. The pass book shall be sent to the post office as soon as possible after the 15th June of each year so that necessary entries of interest may be made therein.	Amount deposited
5	Municipal debentures, Post Trust Bonds, Debentures issued by the Government or a financial corporation.	-	These securities shall be accepted at five per cent below the market price or face value whichever is less.
6	Bonds or debentures issued by corporate bodies guaranteed by the Central or any State Government as regards the payment of principal and interest or as regards principal only.	-	These securities shall be accepted at five per cent below the market price or face value, whichever is less.
7	Deposit receipts of any scheduled bank	The deposit receipts shall be made in the name of the dealer but pledged to the President of India. The Bank shall agree that on receiving a signed treasury <i>challan</i> from the Commissioner and withdrawal order duly signed by it, it will at once remit the amount in full or in part as may be specified in the order into the treasury and send the receipted <i>challan</i> to the said authority. The dealer will agree in writing to undertake the risk involved in the investment.	The amount shown on the deposit receipt
8	Mortgage of immovable property, hypothecation or pledge of movable property, personal surety	Mortgage bond in writing shall be executed in favour of the President of India and registered according to law of registration at the cost of the dealer. The property mortgaged shall be free from all encumbrances. Personal surety shall be in the form of a personal bond with one or two securities acceptable to the Commissioner. This form of security shall be accepted subject to such conditions as may be laid down from time to time by the Commissioner by a general or special order. The liability of the surety or guarantor shall be co-extensive with that of the dealer for the period the contract of surety or guarantee remains in operation notwithstanding the fact that the assessment proceedings against the dealer under Chapter VI for the period are initiated before or after the said period. The liability of the surety or guarantor shall be enforced and executed according to the law for the recovery of arrears of land revenue referred to in section 98.	Amount stated in the relevant document as the maximum amount recoverable under the mortgage, hypothecation, pledge, or personal surety.
9	Bank guarantee	-	The amount stated in the relevant document as the maximum amount recoverable under the bank guarantee.

Annexure 10. Goods Tax Authorities.

(Rule-60, Section-67)

(To be specified from time to time)