

GOVERNMENT OF WEST BENGAL
DIRECTORATE OF COMMERCIAL TAXES,
14, BELIAGHATA ROAD, KOLKATA-700 015.

Circular

Dated:07.09.2011

One circular was issued on 19.08.2009 from this office in connection with issue of Certificate under the West Bengal Industrial Promotion (Assistance to Industrial Units) Scheme-1994. What procedures the Directorate Officers would take for verification of correctness of particulars furnished by an applicant in his application filed in Form -I in this connection were laid down in a fresh way in that circular. Attention of the Officers of the Directorate was drawn to the basic difference between the procedures followed under the WBST Act 1994 and under the WB VAT Act, 2003 and it was pointed out that under the VAT regime, Directorate was to certify the net tax paid on sale of goods manufactured in the manufacturing unit and not the total output tax payable. Tax paid on resold items or on sale of any other items would always be excluded from the purview of computation of net tax paid on sale of manufactured goods.

One specific format of certificate was circulated alongwith that circular issued on 19.08.2009, considering all the points taken together. The Assessing authorities have since been using that format while verifying the particulars of Form I, although WBIPS -1994 has been discontinued on and from 01.01.2010 and the new scheme i.e. WBIPS-2010 has come into operation in its place.

Meanwhile another circular dated 06.10.2010 was issued and assessing officers were thereby advised to put stress on verification and on sending the following four documents as part of their verification function:

1. Certificate in existing format,
2. Copies of challans showing payment of tax,
3. ASTO's report on verification of payment and on continuity of business,
4. Copy of acknowledgement (Part II) issued by the Industry Department, West Bengal, for filing of Entrepreneurs Memorandum under MSMED Act, 2006.

It is now reported to us that Officers are sending certificates keeping many of the clauses(a) to (g) blank. This not only delays the issue of certificates by Additional Commissioner, Commercial Taxes, West Bengal but makes the Directorate responsible for such delay. Sometimes certificates are sent to Head Office without signature/stamp of concerned assessing authority and full name of the signatory. The officers of our Directorate should keep it in mind that we are to act within a specific time frame under WBIPS-2010. Delay in disposal of IPS applications by Government for the fault of the Directorate shall count against us. Hence, officers are advised to send the Certificate duly and completely filled in by them. Not a single clause shall be left blank. If any clause is not applicable, it should be struck down.

Now, Notification No.1281-F.T., Dated 30.08.2011 is issued which has amended the WBIPS-2010 on the light of introduction of MSMED Act, 2006. The concept of industrial units has gone and that of industrial enterprises has come in. Micro and small enterprise have taken the place of small scale industrial units (SSI) by virtue of this amended notification.

As the Form I has undergone thorough changes, the format of certificate requires also changes just to make it compatible with the changes made in Form I. Revised format of certificates, to be used by the Assessing Officers from now on is prepared and is placed below:

(copy of the format)

GOVERNMENT OF WEST BENGAL
[Name and address of the concerned office]

M/s..... holding Registration Certificate No.
..... under the Act..... and Entrepreneurs Memorandum
No..... dated..... has filed his application in Form I on

He has submitted that in terms of paragraph 4 of the resolution, he has paid an amount of
Rs..... (Rupees only) as *sales tax under
WBST Act, 1994/*central sales tax under C.S.T. Act, 1956/*net value added tax under WBVAT Act,
2003/*net central sales tax under C.S.T. Act, 1956, on sales of(goods) specified in
schedule A or B of the Resolution, manufactured in his Micro or small or other than micro & small
enterprises in case of hosiery goods for the quarter commencing on..... and ending
on.....

He has also made therein a declaration that :

* i) there is no discontinuation in production on any time during this quarter as referred to in
clause (1) of the declaration in the application in Form 1/ there is no discontinuation in production
for continuous period exceeding 15 days as referred to in clause (1) of the declaration in the
application in Form 1;

* ii) there is discontinuation in production exceeding 15 days and the aforesaid amount of
Rs..... (Rupees only) includes the amount of
Rs..... (Rupees only) as *sales
tax/*central sales tax/*net VAT/*net central sales tax in respect of the sales for the period as
referred to in clause (2) of the declaration.

Verified the correctness of the particulars furnished by the applicant in the annexed application in
Form 1 with the return submitted to this office and other records maintained by the applicant dealer and it
is found that:

a)	Form - 1 was filed on...../which is within time/out of time.
b)	Form - 1 is signed by.....(Designation/Status) that *qualifies/*disqualifies it to be a valid application.
c)	Entrepreneurs Memorandum No..... dated.....
d)	Goods manufactured is/are
e)	i) Manufacturing activity *continued uninterruptedly, or *was discontinued for less than 15 days at a time during the period under report. ii) It was discontinued for more than 15 days at a time during the period under report. It automatically disentitles the applicant to claim assistance.
f)	i) The applicant has paid *Sales Tax/*Central Sales Tax/*net VAT/*net Central Sales Tax of Rs.....which is payable on sale of manufactured goods for the period under report. ii) He has paid Rs.....(Rs. only) on *resale/on*sale of other items for the period under report. iii) He has paid Rs.....(Rs. only) which he is not required to pay for the period under report.
g)	Remarks, if any.....

(* Strike out whichever is not applicable)

(Signature with full name and date)
Senior Joint Commissioner/ Joint Commissioner/
Deputy Commissioner, Commercial Taxes/
Commercial Tax Officer, Commercial Taxes,
.....Charge.

Circular

Dated: 07.09.2011

Assessing Officers are expected to strictly adhere to this new format from now on.

(H.K. Dwivedi)

Commissioner,

Sales Tax, West Bengal.

Memo No. 489(500)CT/PRO
3C/PRO/2008

Dated: 07.09.2011

Copy forwarded for information and necessary action to:

- 1) The Principal Secretary, Finance (Revenue) Department, Government of W.B.
- 2)Special Commissioner, Sales Tax, W.B./Additional Commissioner, Sales Tax, W.B.
- 3) The Special Officer, Bureau of Investigation.
- 4) The Sr. Joint Commissioner, Sales Tax, (HQ).
- 5) Sr. Joint Commissioner, Sales Tax,.....Circle/Range/Central Section/.....
- 6) Joint Commissioner, Sales Tax.....Circle/Charge.
- 7) The Public Relations Officer, Directorate of Commercial Taxes, W.B.
- 8) Trade Bodies.....
- 9) Website HYPERLINK <http://www.wbcomtax.gov.in> www.wbcomtax.gov.in.

for Commissioner,
Sales Taxes, West Bengal