

**GOVERNMENT OF WEST BENGAL
DIRECTORATE OF COMMERCIAL TAXES
14, BELIAGHATA ROAD, KOLKATA-700015**

TRADE CIRCULAR NO. 07/2016

DATED: 30.12.2016

SUBJECT: SETTLEMENT OF DISPUTE

Amendments have been made in the West Bengal Sales Tax (Settlement of Dispute) Act, 1999, by the West Bengal Taxation Laws (Amendment) Act, 2016 (West Ben. Act XI of 2016), with effect from 1st January, 2017, in terms of Notification No. 1917-F.T. dated 30th December, 2016, and Notification No. 1918-F.T. dated 30th December, 2016, for settlement of dispute related to tax, penalty or interest arising out of an assessment under any of the following Acts:

1. The West Bengal Value Added Tax Act, 2003;
2. The West Bengal Sales Tax Act, 1994;
3. The Central Sales Tax Act, 1956;
4. The Bengal Finance (Sales Tax) Act, 1941;
5. The Bengal Raw Jute Taxation Act, 1941;
6. The West Bengal Sales Tax Act, 1954; and
7. The West Bengal Motor Spirit Sales Tax Act, 1974

The application for settlement is to be filed before the appropriate Senior Joint Commissioner in Form 1 of the West Bengal Sales Tax (Settlement of Dispute) Rules, 1999, in respect of any period ending on or before 31st March, 2014, for which an application for appeal or revision has been filed on or before 30th September, 2016 and which has not been finally heard and is still pending.

The dispute can be settled upon payment of a fraction of disputed tax as shown in the table below. The amount of arrear interest related to arrear tax in dispute and penalty in dispute, if any, will be waived fully.

Sl. No.	Dispute related to:	Amount to be paid for settlement:
1.	Arrear tax for non-furnishing/ non-production of statutory Certificates/Declarations	100 % of remaining balance amount of arrear tax in dispute after adjusting Certificates/ Declarations in possession of applicant, or the amount already paid towards such arrear, whichever is higher;
2.	Arrear tax for disallowance of any claim of input tax credit	30 % of arrear tax in dispute or the amount already paid towards such arrear, whichever is higher;
3.	Any other arrear tax not covered by serial Nos. 1 and 2 above and late fee	60 % of arrear tax in dispute or the amount already paid towards such arrear, whichever is higher;
4.	Any arrear interest related to arrear tax in dispute	Nil;
5.	Any arrear penalty related to assessment for the eligible period	Nil;

Any application pending before the West Bengal Taxation Tribunal, High Court or Supreme Court can also be settled provided leave is sought from the Tribunal or respective Court.

The last date for filing application for settlement is the 31st January, 2017.

Following is a summary of procedure to be followed for settlement of dispute for general information:

How to apply for settlement: The application for settlement of dispute is to be made in Form 1 in duplicate along with the documents mentioned therein, including the proof of payment. The application can be downloaded from website www.wbcomtax.gov.in/sod/e_SOD.html

An application in Form 1 (in duplicate) will cover only one case of appeal or revision. Separate application is to be submitted for each case. The application shall cover the entire dispute of a case and not a part of it.

How to make payment for settlement: Before submission of application the amount to be paid for settlement is to be computed according to percentage mentioned in the table on page 1 and payment is to be made to the Directorate of Commercial Taxes through **GRIPS**. The amount of pre-deposit made at the time of filing of appeal/revision (other than admitted amount) will also be allowed credit. For making payment **User Type** is to be selected as 'SOD' along with appropriate Act. However, for making payment towards the Bengal Finance (Sales Tax) Act, 1941, the Bengal Raw Jute Taxation Act, 1941, the West Bengal Sales Tax Act, 1954 and the West Bengal Motor Spirit Sales Tax Act, 1974, link to 'SST' is to be selected.

Documents required: The details of documents to be furnished along with Form 1 are given at serial number 16 in the Form itself. If the application relates to settlement of arrear tax in dispute for non-furnishing or non-production of certificates or declarations, then a statement containing details of such certificates or declarations received till the date of application, including the amounts covered therein, is also required to be submitted along with such application. Separate statements are to be furnished for separate types of declaration forms or certificates.

Designated authority: Filled in applications in Form 1, in duplicate, are to be submitted to the Senior Joint Commissioner of the concerned Circle, and for dealers registered under the Large Taxpayer Unit, to the Special Commissioner of LTU. An applicant who does not have any registration at present shall submit such application to the concerned Senior Joint Commissioner having jurisdiction in respect of his erstwhile registration.

Sd/- 30/12/2016
(Smaraki Mahapatra)
Commissioner,
Commercial Taxes, W.B.

Memo. No. 1078CT/PRO
3 C/PRO/2015

Date: 30.12.2016

Copy forwarded to the Sr.JCCT/ISD for information and for uploading it on the official website of the Directorate for information of all concerned.

Sd/- 30/12/2016
(Adesh Kumar)
Addl.CCT & PRO

THE WEST BENGAL SALES TAX (SETTLEMENT OF DISPUTE) RULES, 1999

FORM 1

Application for settlement of arrear tax, interest or penalty in dispute under section 5 of the West Bengal Sales Tax (Settlement of Dispute) Act, 1999.

(See rules 3 and 4)

To

..... [the Designated Authority]

I,, proprietor/ partner/ karta/ Managing Director/ principal officer / duly authorised officer/ President/ Secretary/ legal heir/ successor/ assignee or nominee/ myself/ on behalf of an applicant, being eligible under section 4, or section 4A, of the West Bengal Sales Tax (Settlement of Dispute) Act, 1999 (West Ben. Act IV of 1999), hereby apply for settlement of arrear tax, penalty or interest in dispute under section 5 of that Act and the relevant particulars are furnished below:-

1. Name of the applicant (name of the proprietor / partner / company / society, etc.):					
2. Trade name of the business					
3. Address of the principal place of business					
4. Postal address at which communication may be made					
5. E-mail id to which notices / communications may be sent					
6. Mobile number to which communications may be sent					
7. Act under which the appeal / revision is pending					
8. Registration Certificate Number under the relevant Act :					
9. (a) Period of assessment of tax / determination of interest in respect of which the application is made		From: DDMMYYYY	To: DDMMYYYY		
(b) assessment case No., if any					
(c) amount of demand as per last notice of demand	Tax (₹)	Interest (₹)	Penalty (₹)	Late Fee (₹)	
10. Particulars of the appeal / revision / application pending —					
(a) the authority / forum / Court before which the appeal/ revision/application is pending					
(b) date of presentation / filing of the pending petition					
(c) the appeal / revision case No., if communicated					
(d) matter No., if pending before Tribunal/Court					
(e) date on which leave granted by Tribunal/Court as referred to in sub-section (1) of section 4A					
11. Particulars of any earlier application made for settlement of the dispute to which this application relates (including application before Settlement Commission)					
12. Calculation of arrear tax in dispute and arrear interest in dispute for the period		As per impugned order	As admitted	Arrear in dispute	
(a) Amount of tax payable (₹):					
(b) Amount of interest payable (₹):					

13. (a) Information about arrear tax in dispute owing to non-furnishing or non-production of certificate or declaration prescribed under the relevant Act [Sec. 7(1)(a)(i) of the WB(SOD)Act, 1999]

Sl. No.	Provision of relevant Act/rule	Rate of tax (%)	Turnover of sale / purchase involved in claim under the relevant provision (₹)	Turnover of sale / purchase relating to arrear tax in dispute for the impugned order (₹)	Turnover of sale / purchase for which declarations/ certificates received till date (₹)	Turnover of sale / purchase not yet supported by declarations/ certificates (₹)	Applicable rate of tax in absence of declarations/ certificates (%)	Remaining balance amount of arrear tax in dispute (₹)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)*
TOTAL :								

* Calculation of column 9: Turnover as in column 7 with tax rate as in column 8

(b) Information relating to arrear tax in dispute [Sec. 7(1)(a) of the WB(SOD)Act, 1999]	
(i) Arrear tax in dispute owing to disallowance of claim of input tax credit under the relevant Act (₹)	
(ii) ---% of (i) above payable under Sec. 7(1)(a)(ii) of the Act (₹)	
(iii) Arrear tax in dispute, other than in (a) and (b)(i) above (₹)	
(iv) ---% of (iii) above payable under Sec. 7(1)(a)(iii) of the Act (₹)	
(c) Total amount payable for settlement of arrear tax in dispute (₹) [(a)(9) TOTAL + (b)(ii) + (b)(iv)]	
(d) Interest demanded for non-payment/delayed payment of admitted tax (₹)	
(e) Arrear interest in dispute for non-payment of arrear tax in dispute (₹)	

14. Details of payment of tax and interest : –	Tax (₹)	Interest (₹)
(a) Payment as per demand notice in accordance with impugned order		
(b) Payment made subsequently for filing the appeal/revision petition as in sl. 10 (including payments which are not shown in demand notice)		

15. Details of payment(s) made for making this application for settlement of dispute: –					
GRN / Challan No.	Date	Bank	Branch	Period	Amount (₹)

16. Documents attached (Put ✓ in box):

(a) Copy of appeal/revision petition before authority/application before Tribunal/Court	
(b) Copy of order against which appeal/revision filed and the relevant demand notice	
(c) Copy of last notice/communication in the pending proceeding / Copy of the receipt for submission of pending petition, if no notice or communication is received	
(d) Copies of the payment documents in respect of serial 14 (b) and serial 15 above	
(e) Copy of the order of Tribunal/Court granting the leave u/s 4A of the Act	
(f) Statement of declarations/certificates received as referred to in section 7(1)(a)(i) of the Act	

VERIFICATION

I, solemnly declare that to the best of my knowledge and belief--

- (a) the particulars and information given in this application are correct and complete;
- (b) the amount of admitted tax and interest as shown in item 12 above including interest as in 13(d) above, have been paid in full;
- (c) the amount of arrear tax or interest in dispute shown hereinabove are truly stated and relate to the relevant period as mentioned in this application; and
- (d) I / the applicant am/is not otherwise ineligible for making this application in terms of the provisions of the Act. -

Place : (Signature) :.....
Date : (Name of the signatory in full) :.....
(Status in relation to the applicant) :.....