

**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES,**  
**14, BELIAGHATA ROAD, KOLKATA-700015**

**Trade Circular No. 11/2011 dtd. 01.08.2011**

Re : Amendment to the WBVAT Rules, 2005 for the introduction of new system of e-registration of dealers, for online filing of Form-16 and for introduction of pre-assessment refund to the extent of 90% of the claimed amount

A. The system of e-registration of dealers under the WBVAT Act, 2003 and the CST Act, 1956 had been introduced by the Directorate of Commercial Taxes with effect from 01.01.2010 in terms of Notification No.2025 F.T. dtd.30.12.2009 and is in operation for more than a year. Trade Circular No.01/2010 was issued on 04.01.2010 laying down the procedure to be followed by a dealer while filing online application for registration. The features of the said scheme is that it was optional, was available only to the dealers in and around Kolkata and Howrah and was limited only to the extent of allowing the dealers to make the application for registration only. The e-registration is presently being granted by Central Registration Unit, Kolkata, where the certificate of registration is issued in paper form.

Now the Notification No.1171 F.T. dtd 01.08.2011 is issued by government by virtue of which the facility of e-registration is extended to all the dealers of West Bengal and provision is also made for issue of certificate of registration in electronic form where the dealers can themselves get a printout of the certificate of registration from their end without waiting for the same to be received in paper form from the department by post. While this new system of e-registration is made mandatory for all dealers carrying on their business in West Bengal, the earlier system of issuing certificate of registration on the basis of manual application will be available for dealers in exceptional cases. In all such exceptional cases, the Commissioner may allow a dealer who is liable to be registered under section 23 or any dealer who desires to be registered voluntarily under clause (b) of sub-section (1) of section 24, to make an application manually in Form No. 1, for registration under section 24, to the appropriate registering authority, as authorised by the Commissioner. Central Registration Unit will take care of all the applications for registration of dealers having their places of business within Kolkata(south)Circle, Kolkata (North)Circle, Burrabazar Circle, Chowringhee Circle, Dharmatala Circle, 24- Parganas Circle excepting Barasat Charge & Barracpore Charge. Registration Unit (Behala) will take care of all applications received from dealers carrying on business within the jurisdiction of Behala Circle excepting Baruipur Charge and Diamond Harbour Charge. Registration Unit (Howrah) will deal with applications received from dealers having place of business within the Howrah Circle. Registration Unit (Bally) will take care of all the applications received from dealers having place of business within Bally Circle excepting Serampore Charge. For all other dealers having place of business under 22 Charges not covered under Central Registration Unit, Registration Unit (Behala), Registration Unit (Howrah) and Registration Unit (Bally), the existing registering authorities will take care of the respective applications for registration.

Necessary amendments have been brought in in rules 5, 5A, 6, 6B, 9, 43 and 196 of the WBVAT Rules, 2005. For introduction of the system of demanding security for voluntary registration, a new rule i.e, rule 195A has been inserted to the WBVAT Rules, 2005.

The salient features of the proposed changes in the system of e-registration of dealers are :-

- (a) Compulsory online application by dealers throughout West Bengal – exception in the form of manual application only if allowed by the Commissioner in deserving cases;
- (b) Self-attested printout of Form-1 and supporting documents to be sent by registered post/speed post within 10 days of online application. Under the existing system it was three days. Where the appropriate registering authority in respect of a dealer is an authority other than Central Registration Unit, the dealer will be at liberty to submit the self-attested printout of Form-1 and supporting documents either by post or in person;
- (c) No personal hearing or appearance of dealer is required for grant of registration;
- (d) Assigning of registration certificate number, if found eligible, within 30 days from receipt of application;
- (e) Issue of registration certificate electronically and intimation about the same to the dealer either electronically or otherwise;
- (f) A dealer is eligible to get printout of the electronically issued registration certificate from the website – no issue of RC in paper form and signed by the registering authority is required;
- (g) For voluntary registration, i.e. dealers who are not liable to be registered as per law but are willing to get registration, assignment of registration number and issue of certificate of registration shall be made only upon payment of compulsory minimum security of Rs.10,000/- [maximum of Rs.25,000/-]. Under the existing system there was no such provision for payment of security before assigning registration number to a dealer who is willing to take registration voluntarily;
- (h) The security for voluntary registration will be adjustable with the tax payable by the dealer only after two years from the date of registration;
- (i) The new system of e-registration will be available to all the dealers in West Bengal including the dealers who are presently covered by the Central Registration Unit at Kolkata;
- (j) Form IA, IB & IC have been omitted;
- (k) Form-3 has been amended.

This provision shall come into effect from 01.08.2011. It is expected that the officers of the Directorate and the dealers will respond to the requirements of law and the entire process of registration will be hassle-free.

B. Dealers who will opt to pay tax either u/s 16(3) or u/s 16(3A) or u/s 16(3B) or u/s 16(6) or u/s 18(4) of the WB VAT Act, 2003, shall have to exercise their option and to communicate such option in Form-16 to the appropriate authorities within the prescribed time. Till date Form-16 is being submitted by them manually. Now in terms of Notification No.1171 F.T. dt. 01.08. 2011, the system of electronic submission of Form-16 has been introduced from the year 2011-12 with immediate effect. Hence Form-16 has been amended to make it compatible with the electronic system. In this amended Form-16, separate provisions are made, one for newly registered dealers and another for all other dealers. In the electronic filing system, the dealers will get one acknowledgement as proof of filing when the filing would be complete. After completion of filing of Form-16 electronically, dealers have to file a duly signed copy of electronic acknowledgement slip to the appropriate authority within fifteen days from the date of electronic submission.

Dealers who have not yet submitted Form-16 shall have to submit it online within 31.08.2011.

C. In Trade Circular No.07/2011 dt. 04.04.2011, which was issued after issue of Notification No.351-F.T. dt. 01.03.2011, changes brought in in rule 76 and in rule 79A of the VAT Rules,

2005 have been explained clearly to bring the same to the notice of the dealers. Refund of 75% of the amount claimed under rule 76 and that of 90% of the amount claimed under rule 79A through National Electronic Fund Transfer System within the prescribed time was one important change made there.

Now in terms of Notification No.1124-F.T. dtd 21.07.2011, the amount of refund to be made under rule 76 has been increased from 75% to 90% with effect from the same date i.e. with effect from 01.04.2011. This will be applicable in the return or returns for the period commencing on or after 01.04.2011.

All concerned are requested to bring the contents of this circular to the notice of the dealers.

H.K. Dwivedi  
Commissioner,  
Sales Tax, W.B

Memo No. 413(500)CT/PRO  
3C/PRO/2008

Dtd. 01.08.2011

Copy forwarded for information and necessary action to :-

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

For Commissioner,  
Sales Tax, W.B.