

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF TAXES, ASSAM :: KAR BHAWAN
DISPUR, GUWAHATI-6

CIRCULAR NO. 7 /2017-GST

Dated Dispur the 5th September, 2017.

Sub : Liability, submission of return, registration, eligibility to make interstate sale / purchase and transfer of goods against Form-C and Form-F, etc – regarding.

No. CT/GST-15/2017/19.— After implementation of GST Acts from 1st of July, 2017, a lot of queries have been raised from various quarters seeking clarification on different aspects of Central Sales Tax Act, such as liability, return, registration and the eligibility to make inter-state sale / purchase of goods against Form-C and inter-state stock transfer / receipt of goods against Form-F. The issues raised in the queries have been examined and clarification as given below is hereby issued for information of all concerned.

1. In the Constitution (One hundred and first Amendment) Act, 2016 which paved the way for enactment of the GST Acts (SGST,CGST and IGST Act), the powers of States and the Union of India to levy tax on sale of six goods i.e. (i) alcoholic liquor for human consumption, (ii) crude oil, (iii) natural gas, (iv) HSD, (v) petrol and (vi) ATF have been retained whereas all other goods have been subjected to levy of GST under GST Acts.
2. Consequent upon such amendment of the Constitution, the CST Act, 1956 and the Assam VAT Act, 2003 have been repealed except in respect of goods included in Entry 54 of the State List of the Seventh Schedule to the Constitution (the six goods listed above). Therefore, the provisions of the CST Act as well as Assam VAT Act are now applicable to these six goods only.
3. As a result, the dealers dealing in goods other than the six goods have ceased to be the dealers for the purpose of the amended CST Act with effect from 01.07.2017 (date from which the amendment of Section 2(d) of the Act is made effective). Dealers making inter-state sale of any goods other than these six goods have ceased to be liable to pay tax under the CST Act with effect from 01.07.2017 and hence they need not file any return under the CST Act. The registration granted earlier u/s 7(1) of the CST Act to such dealers, whose liability has now ceased, has become infructuous.
4. Some dealers, despite not having liability to pay tax under the CST Act, were registered u/s 7(2) of the CST Act because they were earlier liable to pay tax for their sales under the repealed Assam VAT Act. Now, consequent upon repeal of the Assam VAT Act with effect from

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01.07.2017, dealers not selling the aforesaid six goods are no more liable to pay tax under the Assam VAT Act. Therefore, with the cessation of their liability under the Assam VAT Act, they are no more eligible for registration u/s 7(2) of the CST Act and the registration granted earlier in their favour u/s 7(2) of the CST Act has become invalid.

5. Dealers making inter-state sale of only the aforesaid six goods will continue to be liable to pay tax under the CST Act and the registration granted earlier in their favour under the CST Act will continue to remain valid. They need not apply afresh and can file return as before on the strength of registration granted earlier. Such dealers can also make inter-state purchase of the aforesaid six goods against Form-C or receive goods by way of inter-state stock transfer against Form-F only for resale or use in manufacture or processing of any of the aforesaid six goods. New dealers attracting liability on account of inter-state sale of these six goods can apply for registration which can be granted to them u/s 7(1) of the CST Act.
6. Dealers liable to pay tax under the Assam VAT Act on account of intra-state sale (within State) of the aforesaid six goods and already registered under the Assam VAT Act and CST Act as on 30.06.2017, will continue to be so liable and the registration granted under both the Acts will continue to remain valid even after 30.06.2017. They can make inter-state purchase of any of the aforesaid six goods against Form-C or receive goods by way of inter-state stock transfer against Form-F only for resale or use in manufacture or processing of any of the aforesaid six goods.
7. New dealers attracting liability on account of sale of the aforesaid six goods or intending to do manufacturing or processing of the aforesaid six goods or sale can apply for registration under the Assam VAT Act and registration can be granted to such dealers. If any such dealer intends to make inter-state purchase of such six goods for resale within Assam or use such goods in manufacturing or processing of the aforesaid six goods for sale, he can apply for registration under both the Assam VAT Act and CST Act and registration can be granted under both the Acts in such cases.
8. For issue of pending Form-C / Form-F against transactions made before 01.07.2017 by the registered dealers whose registration under the CST Act has become invalid or infructuous w.e.f. 01.07.2017, they can apply online by 31.10.2017 in Tax Assam Portal (www.tax.assam.gov.in) for issue of such Forms. In such cases, forms will issued by the jurisdictional officer after due scrutiny and approval of the online application.
9. It is hereby made clear that dealers (including work contractors) who were till 30.06.2017, making inter-state purchase of Petrol and HS Diesel against Form-C for use in the manufacture or processing of goods, other than the aforesaid six goods, or for use in telecommunication network, or for use in mining, or for use in generation, or distribution of electricity or any other form of power, have ceased to be the dealers under the CST Act w.e.f. 01.07.2017 as their liability to pay tax under the repealed Assam VAT Act has ceased w.e.f. 01.07.2017. As a result, their eligibility for registration under the CST Act has ceased and the registration already



granted has become invalid w.e.f. 01.07.2017. Consequently, they cannot make inter-state purchase of the aforesaid six goods (Petrol, High Speed Diesel, Petroleum Crude, Natural Gas, ATF and Alcoholic Liquor for Human consumption) against Form-C w.e.f. 01.07.2017. They cannot also transfer / receive any stock of these six goods using Form-F.

At the cost of repetition, it is stated that for the six goods (Petrol, High Speed Diesel, Petroleum Crude, Natural Gas, ATF and Alcoholic Liquor for Human consumption) which are outside GST, such goods can be purchased or received on the strength of Form-C or Form-F respectively for re-sale or for being used in the manufacture or processing of such six goods only.

This Circular is clarificatory in nature and not meant for any interpretation of provisions of the Act and rules.

Sd/- Anurag Goel,
Commissioner of State tax, Assam,
Dispur, Guwahati

Memo No. CT/GST-15/2017/19-A

Dated Dispur the 5th September, 2017.

Copy to :

- 1) The Additional Chief Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information.
- 2) The Principal Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information.
- 3) The Commissioner of Central GST, Guwahati / Dibrugarh Commissionerate for favour of kind information.
- 4) The Additional Commissioner of State tax, Assam (All) / Joint Commissioner of State tax, Assam (All) for information.
- 5) The Deputy Commissioner of State tax (All) for information and necessary action.
- 6) The Assistant Commissioner of State tax (All) / Superintendent of State tax (All) / Inspector of State tax (All) for information and necessary action.
- 7) The Information Technology Officer, Office of the Commissioner of State tax, Assam for uploading it on the website of the Commissionerate for information of all concerned.


Commissioner of State tax, Assam,
Dispur, Guwahati