

CHAPTER - VI ACCOUNTS AND RECORDS

- 55. Maintenance of accounts and records etc.:** (1) Every registered dealer or every dealer liable to pay tax under this Act shall keep a true and up-to-date account of the value of goods purchased or manufactured and sold by him or goods held by him in stock, in respect of each class of goods taxable at different rate of tax under this Act including input tax paid and output tax payable and, in addition to the books of account that a dealer maintains and keeps for the purpose referred to in this sub-section, he shall maintain and keep such registers and accounts in such form and in the manner as may be prescribed.
- (2) Every registered dealer or the dealer referred to in sub-section (1) shall keep at his place of business all accounts, registers and documents maintained in the course of business and shall not remove elsewhere such accounts, registers and documents except in accordance with the requirement of law or except for any purpose for which just cause is shown to the satisfaction of the Commissioner.
- (3) Where a dealer as referred to in sub-section (1) has established branch offices of the business in the State at places other than the principal place of business, the relevant accounts, registers and documents in respect of each such branch shall, without prejudice to the provisions of sub-section (5), be kept by him at the respective branch office.
- (4) If the Commissioner is of the opinion that the accounts kept and maintained by any dealer or class of dealers are not sufficiently intelligible and clear to enable him to verify the returns or to make any assessment under this Act, he may by an order, require such dealer or class of dealers, to keep such accounts, in such form and in such manner as he may, subject to rules made under this Act, direct.
- (5) If the Commissioner is satisfied that any dealer is not in a position to maintain accounts in accordance with the provisions of sub-section (1), he may, for reasons to be recorded in writing, exempt such dealer from the operation of the provisions of the said sub-section.
- 56. Tax invoice :** (1) Every registered dealer making a taxable sale to another registered dealer, shall provide that purchaser at the time of sale with a tax invoice containing such particulars as specified in sub-section (4), and retain a copy thereof.

Amendment: The word “registered” has been inserted and the words and punctuation mark “whether registered or not” has been omitted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (2) The tax invoice shall not be issued by a dealer, if,-
- (a) he is paying composite tax in lieu of Value Added Tax; or
 - (b) the sale is in the course of export out of the territory of India; or
 - (c) the sale is in the course of inter-state trade and commerce or
 - (d) the sale of goods is exempt from tax; or
 - (e) the sale of goods is taxable at the first point of sale under the Fourth Schedule.

Amendment: A new clause (e) has been inserted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (3) Not more than one tax invoice shall be issued for each taxable sale.
- (4) The tax invoice issued under sub-section (1) shall contain the following particulars on the original as well as the copies thereof,-
- (a) the word Tax invoice printed in bold letter at the top or at any prominent place;
 - (b) the name, address and Taxpayer Identification Number (TIN) of the selling registered dealer;
 - (c) the name, address and Taxpayer Identification Number (TIN) of the purchasing registered dealer;
 - (d) an individual serialized number either printed or put by a numbering machine, and the date on which the tax invoice is issued;

- (e) description, quantity, volume and value of goods sold, and amount of tax charged thereon indicated separately;
- (g) omitted.
- (f) signature of the selling dealer or his manager or agent, duly authorised by him.

Amendment: Clause (g) has been omitted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (5) Except when a tax invoice is issued under sub-section (1), if a registered dealer sells any goods exceeding such amount in value as may be prescribed, in any one transaction to any person, he shall issue to the purchaser a retail invoice and retain a copy thereof.
- (6) The retail invoice shall contain the following particulars on the original as well as copies thereof-
 - (a) the words 'Retail Invoice' or 'Cash Memorandum' or 'Bill' printed in bold letters at the top or at a prominent place;
 - (b) the name, address and Taxpayer Identification Number (TIN) or General Registration Number (GRN) of the selling registered dealer;

Amendment: The word "or General registration Number (GRN) has been inserted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (c) in case the sale is in course of export out of the territory of India, the name, address and the registration number, if any, of the purchasing dealer or the foreign buyer, and has been made;
- (d) an individual serialised number, either printed or put by numbering machine, and the date on which the retail invoice is issued.
- (e) description, quantity, volume and value of goods sold inclusive of tax, charged thereon;
- (g) omitted
- (f) signature of the selling dealer or his manager or agent, duly authorised by him.

Amendment : Clause (g) has been omitted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (7) Tax invoice shall be triplicate. The original and the duplicate copy shall be issued to the purchaser or the person taking delivery of the goods, as the case may be, and the triplicate copy shall be retained by the selling dealer.
- (8) Retail invoice shall be issued in duplicate. The original shall be issued to the purchaser and the duplicate copy shall be retained by the selling dealer.

56A. Penalty for contravention of section 56: If a registered dealer or any other dealer contravenes the provision of section 56, the Prescribed Authority may, after giving such dealer a reasonable opportunity of being heard, by an order in writing direct that he shall pay by way of penalty a sum equal to double the amount of tax or two thousand rupees, whichever is higher.

Amendment: In the principal Act, after section 56, a new section 56 A has been inserted by Assam Act No. XLVII of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/Pt/66 Dtd. 23rd December, 2005.

- 57. Credit and debit notes :** (1) Where a tax invoice has been issued and the amount shown as tax charged in the tax invoice exceeds the actual tax charged in respect of the sale concerned, the seller shall provide the purchaser with a credit note within six months of the sales of goods involved in the transaction, containing such particulars as may be prescribed.
- (2) Where a tax invoice has been issued and the actual tax charged in respect of the sale concerned exceeds the tax shown in the tax invoice as charged, the seller shall provide the

purchaser with a debit note within six months of the sale, containing such particulars as may be prescribed.

- (3) In case of goods returned or rejected by the purchaser, a credit note shall be issued by the selling dealer to the purchaser and a debit note shall be issued by the purchaser to the selling dealer containing the particulars as may be prescribed.
- (4) Any registered dealer who receives or issues credit notes or debit notes shall modify his return for the period in which the credit note or debit note is issued and pay may tax due on such return.

58. Quoting of registration number : (1) For the purposes of identification of a registered dealer liable to pay tax the Prescribed Authority shall issue a registration number known as Taxpayer Identification Number (TIN) or General Registration Number (GRN), as the case may be, Every registered dealer shall quote such registration number allotted to him by the Prescribed Authority on all correspondences made, or statements and returns submitted, or information furnished and on tax invoices or documents issued by him. He shall also mention invariably his registration number on each copy of challan while depositing amount of tax, or fee or other dues under this Act.

Amendment: In section 58, in sub-section (1), the words, brackets and punctuation mark “or General Registration Number (GRN), as the case may be,” has been inserted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (2) The selling dealer, if required by the purchaser of such goods, shall show him the certificate of registration granted to him under the provisions of this Act.
- (3) While making purchases of any goods every purchasing dealer who is a registered dealer under this Act shall give his Taxpayer Identification Number (TIN) or General Registration Number (GRN) to the dealer selling such goods and the dealer selling the goods shall mention the TIN or GRN of the purchasing dealer on sale invoice or bill or cash memo or transfer memo or challan or transfer invoice as the case may be, to be issued to the purchasing dealer or the recipient of goods.

Amendment: In section 58, in sub-section (3), the words and brackets “or General Registration Number (GRN)” and the word “or GRN” has been inserted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

59. Period of retention of accounts : (1) Every dealer shall preserve books of accounts including tax invoice and retail invoices until the expiry of eight years after the end of the year to which they relate or 'for such other period as may be prescribed or until the assessment reaches its finality, whichever is later.

- (2) Where such a dealer is a party to any appeal or revision under this Act he shall retain until the appeal or revision is finally disposed of, every record and accounts that pertain to the subject matter of the appeal or revision.

60. Electronic record : Every dealer who maintains the records in a computer or any other electronic device shall also maintain day to day print out of all such records and shall retain them for the period specified in section 59.

61. Requirement to provide information : Notwithstanding anything contrary to the provisions of this Act, the Commissioner may, for any purpose related to the administration or enforcement of the provisions of this Act, by notice, require any person to provide the Commissioner, within such reasonable time as is stipulated in the notice, with any information or additional information including a return under this Act, or any document including electronic records.

62. Audit accounts : (1) Where in any particular year, the gross turnover of a dealer exceeds forty lakhs rupees or such other amount as the Commissioner may, by notification in the Official Gazette, specify, then such dealer shall get has accounts, in respect of that year audited by an accountant within seven months from the end of that year and obtain a report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

Provided that in a case where such dealer is required under any other law to get his accounts audited, it shall be deemed to be sufficient compliance if he gets his accounts audited under such law and furnishes an audit report as required under such law and a further report in the form prescribed under this section within the time specified under sub-section (2).

Amendment: In section 62, in sub-section (1), the word “six” has been substituted by the word “seven” by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (2) A copy of such report shall be furnished by such dealer to the Prescribed Authority along with the annual return within seven months from the end of the year to which the return relates.

Amendment: Sub-section (2) has been substituted by Assam Act No. XXXVI of 2005, published in the Assam Gazette vide Notification No.LGL.6/2003/pt/38 Dtd. 9th September, 2005.

- (3) If any dealer fails to get his accounts audited under subsection (1) and fails to furnish a true copy of the audit report within the time specified in sub-section (2), the Prescribed Authority may, after giving the dealer a reasonable opportunity of being heard, impose on him, in addition to any tax payable, a sum by way of penalty equal to half percent of the gross turnover or a sum of rupees one lakh, whichever is less.

Explanation- For the purpose of this section "Accountant" means a Chartered Accountant within the meaning of the Chartered Account and Act, 1949 or a Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959 and includes a person who by virtue of the provisions of sub-section (2) of section 226 of the Companies Act, 1956, is entitled to be appointed to act as an auditor of Companies registered under the said Act. (Central Act 38 of 1948 Central Act 23 of 1959 Central Act 1 of 1956).

62A. Audit of accounts in certain circumstances: (1) If, at any stage of the proceedings before him, the Prescribed Authority, having regard to the nature and complexity of the accounts of the dealer and the interest of the revenue, is of the opinion that it is necessary so to do, he may, with the previous approval of the Commissioner, direct the dealer to get the accounts audited by an accountant, as defined in the Explanation below sub-section (3) of section 62 and nominated by the Commissioner in this behalf and to furnish a report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed and such other particulars as the Prescribed Authority may require.

(2) The provision of sub-section (1) shall have effect notwithstanding that the accounts of the dealer have been audited under any other law for the time being in force or otherwise.

(3) Every report under sub-section (1) shall be furnished by the dealer to the Prescribed Authority within such period as may be specified by the Prescribed Authority:

Provided that the Prescribed Authority may, on an application made in this behalf by the dealer and for any good and sufficient reason, extend the said period by such further period or periods as he thinks fit; so, however, that the aggregate of the period originally fixed and the period or periods so extended shall not, in any case, exceed one hundred and eighty days from the date on which the direction under sub-section (1) received by the dealer.

(4) The expenses of, and incidental to, any audit under sub-section (1) including the remuneration of the accountant shall be determined by the Commissioner and paid by the dealer and in default of such payment shall be recoverable from the assessee in the manner provided in section 43 of this Act for recovery of arrears of tax.

(5) The dealer shall be given an opportunity of being heard in respect of any material gathered on the basis of any audit under sub-section (1) and proposed to be utilized for the purpose of assessment.

Amendment: In the principal Act, after section 62, a new section 62A has been inserted by Assam Act No. X of 2007, published in the Assam Gazette vide Notification No. LGL.6/2003/Pt./106 Dtd. the 29th March, 2007.