



অসম ৰাজপত্ৰ
THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 178 Dispur, Monday, 3rd July, 2015, 12th Sravana, 1937 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
FINANCE (TAXATION) DEPARTMENT

NOTIFICATION

The 3rd July, 2015

No. FTX.71/2014/93.-Whereas in pursuance of Industrial and Investment Policy of Assam, 2014, tax exemption was granted to industrial units under the Assam Industries (Tax Exemption) Scheme, 2015;

And whereas an eligible industrial unit, under the tax exemption scheme, is required to charge tax as per the applicable rates of taxes to ensure smooth continuity of the VAT chain but full amount tax so charged does not actually accrue to the Government exchequer as the eligible industrial unit is entitled to 100% remission of the tax during the first and second completed years of commercial production and 80% remission during the third and fourth years and 50% remission during the fifth to fifteen years of production;

And whereas a dealer registered under the Assam Value Added Tax Act 2003, who purchases goods taxable under VAT system from such eligible industrial unit, and sells such goods in the course of inter-state trade or commerce or in the course of export out of the territory of India or makes inter-State stock transfer not amounting to sale, being eligible to input tax credit as per VAT system, becomes entitled to the refund of the tax so charged by eligible industrial unit notwithstanding the fact that the full amount of tax so charged in the tax invoice does not accrue to the State exchequer;

And whereas in the public interest it has become necessary to restrict the availment of input tax credit by a registered dealer in respect of sales of goods made by him in the course of inter-state trade or commerce or in the course of export out of the territory of India or inter-State stock transfer not amounting to sale made by him if the goods so sold or transferred are manufactured by an eligible industrial unit;

Therefore, in exercise of the powers conferred by sub-section (7) of section 14 of the Assam Value Added Tax Act, 2003 (Assam Act VIII of 2005), the Governor of Assam hereby notifies that a registered dealer, who purchases goods specified in the Second, Third and Fifth Schedule appended to the said Act within the State of Assam, manufactured by an industrial unit eligible under the Assam Industries (Tax Exemption) Scheme, 2015, and sells such goods in the course of inter-state trade or commerce or in the course of export out of the territory of India or transfers such goods to other States not amounting to sale, shall not be entitled to input tax credit for the amount of tax shown to have been charged in the corresponding tax Invoice issued by the eligible industrial unit in respect of such sale or transfer.

The industrial unit eligible under the Assam Industries (Tax Exemption) Scheme, 2009 shall compulsorily mention its number and date of certificate of entitlement and also give a declaration in the Tax Invoice to the effect that the goods so sold by him under the invoice are manufactured by him in his industrial unit enjoying the benefits under the Tax Exemption scheme under the respective category.

It is also notified that the dealer who purchases such goods from an industrial unit eligible under the Assam Industries (Tax Exemption) Scheme, 2015 and all other subsequent sellers who sell such goods to other registered dealers within the State or in course of inter-State trade or commerce or in the course of export out of the territory of India or make inter-State stock transfer not by way of sale shall give a declaration in the tax Invoice to the effect that the goods so sold or transferred by him under the invoice are purchased from an eligible industrial unit.

This notification shall come into force on the date of its publication in the Official Gazette.

I. HAQUE,
Secretary to the Government of Assam,
Finance Department, Dispur.