

# E-Filing of Returns under MVAT, CST and Profession Tax Acts

Presented By

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# Returns- Section 20

## Duties of Registered Dealer – Sec. 20 (1)

- To file Correct, Complete & Self Consistent- Returns.
- In the prescribed form.
- To the authority & within time prescribed.
- Different types of returns prescribed.
- By different classes of dealers.

# Correct and complete Return

- Rule 20 prescribe for correct and self Consistent return.
- It is deemed to be correct and self consistent if all column pertaining to detail called for where ever applicable are fully filed in
  - Registration Number
  - Turnover of sales
  - Turnover of purchases
  - Setoff c/f
  - Amount of Set-off claimed as refund
  - CQB
  - Amount of deferment
  - Period
  - Tax thereon
  - Setoff thereon
  - Calculation of taxes
  - Period of Incentives
  - Authorised Signatory

# Consequence of incorrect return.

- Where a return is inconsistent a defect memo can be issued within a period of 4 months of the date of filing of return
- The defect has to be rectified within a period of one month
- The return will be deemed not to have been filed if the defect is not rectified within one month.

## Duties of every person - Sec. 20 (1b)

- The Commissioner may examine the return to ascertain whether it is complete and self-consistent. If the return is not complete or self-consistent, the Commissioner may serve on the dealer, within four months of date of filing of the return, a defect notice in the prescribed form. The said registered dealer shall correct the defects and submit to the prescribed authority a fresh complete and self-consistent return, within one month of the service of the defect notice.

## Sec.20 (3)

- Every person or an unregistered dealer who is required to file a return under any other provision of this Act, shall file such return for such period, in such form, by such date and to such authority as may be prescribed and the provisions contained in paragraph (b) of sub-section (1) shall apply to such return as they apply to the return prescribed under paragraph (a) of sub-section (1).

# Sec. 20 (4) Revised Returns

Where any person or dealer -

- (A) discovers any omission or incorrect statement therein, may furnish, a revised return in respect of the period covered by the return at any time before a notice for assessment is served on him in respect of the period covered by the said return or before the expiry of a period of ten months from the end of the year to which the return relates, whichever is earlier;
- (B) discovers as a result of the report of audit of his accounts prepared for the purpose of section 61, any omission or incorrect statement therein, may furnish a single revised return for the year as regards the period in respect of which the omission or incorrect statement is discovered, before the expiry of the period of thirty days from the date prescribed for furnishing the said report;

## ...Sec. 20 (4) Revised Returns

- (C) agrees with the observation contained in any intimation received by him under Section 63, that the return, fresh return or, as the case may be, revised return, filed by him contains any omission or incorrect statement, may furnish a single revised return for that year within thirty days from the date of service on him of the said intimation

## *Revised Returns – How many TIMES ?????*

- It is provided that, any such person or dealer may furnish not more than one revised return under each of clause (a) or, as the case may be, clause (b), and such revised return may include revision of return or revised return filed earlier.
- Revision under clause (c) is not restricted.



## Why to file?

**On discovering omission or incorrect statement.**

## When to file?

- 1) Anytime before the service of notice for assessment or**
- 2) Before 10 months from end of the year whichever is earlier.(01/05/2011)**

## Penal consequences

### ■ Sec. 20 (6)

Where a person or a dealer fails to file a return within the prescribed time, as provided under this section, then the said person or dealer shall, before filing of the said return, pay, by way of late fee, an amount of rupees one thousand if the return is filed within a period of thirty days from the expiry of the due date prescribed for filing of such return and an amount of rupees five thousand, in any other case. This amount shall be in addition to any other amount payable, if any, as per return.

## Rule 17 - SUBMISSION OF RETURN

### 1. Form 231 :- For Dealer Other than

- dealers who have opted for composition of tax,
- dealers executing works contracts,
- dealers engaged in transfer of the right to use any goods for any purpose,
- dealers under the Package Scheme of Incentives except dealers covered under Mega Units to whom the Identification Certificate under the Package Scheme of Incentives, 2001, Package Scheme of Incentives, 2007 or, as the case may be, Package Scheme of Incentives 2013 is granted, and
- notified oil companies

2. **Form 232** :- All Dealer who have opted for Composition of tax whose entire turnover is under composition other than

- Works Contractors opting for Composition
- Dealer opting for composition for part of the business.

3. **Form 233** :- All Dealer who are -

- Executing works contracts
- Dealer whose part of the business is under Composition.
- Engaged in the activity of transfer of the right to use any goods for any purpose whether as part of the business or the entire business

3. Form 234 :- Dealers under Package Scheme of Incentives who are holding a valid certificate of entitlement.

4. Form 235 :-

- Notified oil Companies
- Any other Dealer effecting sales of motor spirits

# Periodicity of Returns

- If Tax Liability during the year exceeded Rs. 10 Lakhs OR Refund during the year exceeded Rs. 1 Crore :- Monthly
- If Tax Liability during the previous year exceeded Rs. 1 Lakhs but did not exceed Rs. 10 Lakhs , OR Refund during the previous year exceeded Rs. 10 Lakhs but did not exceed Rs. 1 Crore.:- Quarterly

- If the Tax Liability during the Previous year is Rs. 1 Lakhs or Less OR Refund during the pervious year is Rs. Ten Lakhs or Less :- Half yearly

- Due Date of Payment Under MVAT & CST

For Monthly Returns	21 <sup>st</sup> Day of Next Month
For Quarterly Returns	21 <sup>st</sup> Day of Next Month
For Six Monthly	30 <sup>th</sup> Day of Next Month

- If Dealer makes due payment as per returns within prescribed time period then, said dealer will get 10 additional days for submission of the returns



If the due date falls on a State Holiday or Sunday,  
the immediate next Working day would be the due  
date of Payment

# Special Provision As Per Rule 18

- First return will be filed from 1st April or date of commencement of business till due date of quarter in which registration date falls.
- Thereafter the newly registered dealer shall file quarterly return in first year in which he got registered.
- If Business is discontinued or disposed off or otherwise transferred or there is change of place of business to different area the special last return from the beginning of the month, Quarter or six month till the date of above event.
- Certificate of entitlement is granted as per PSI (Package scheme of incentives)

# Submission of Annexure With Returns

- Trade Circular Number 9T of 2014 Dated 25/03/2014 Effective Date from 01/04/2014
- In order to ensure speedy cross verification of ITC Claims and faster processing of refund it is decided to obtain – dealer wise sales and purchases from each dealer filing returns as per due periodicity of its return filing

# WCT TDS

- Returns :- in Form 424 within three month from the end of relevant accounting Year
- TDS Payment :- 21<sup>st</sup> of next month in Form 210 / MTR -6

# Returns Under Profession TAX

- In Case of First Year :- Monthly returns on or before last day of month to which returns relates.
- In Case of Subsequent year:-  
If tax Liability is less than Rs. 50000/- during the previous year or Part there of :-  
Annual returns on or before 31st March of the year to which returns related.

- If Tax Liability is Rs. 50000 or more :- Monthly returns on or last day of month to which the returns relates. Tax to be Paid off immediately preceding the month to which the returns relates.
- Last Returns :- on Cancellation of registration certificate the returns should be filed from the first day of the year / month in which the certificates is cancelled till the date of Cancellation.

**THANK YOU**