

HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT
NOTIFICATION

The 12th September, 2016

No 19/ST-1/ H.A. 6/2003/S.59A/2016. Whereas, it is expedient for the recovery of tax, interest, penalty or other dues under the Haryana Value Added Tax Act, 2003 (6 of 2003), therefore, in exercise of the powers conferred by section 59A of the said Act, the Governor of Haryana hereby provides for an Amnesty Scheme namely, the Haryana Alternative Tax Compliance Scheme for Contractors, 2016, for the recovery of tax, interest, penalty or other dues payable under the said Act, for the period upto the 31st March, 2014, from such contractors and for such business as provided in the Scheme, subject to the conditions and restrictions as specified hereunder:-

Short title and application.

1. (1) This Scheme may be called the Haryana Alternative Tax Compliance Scheme for Contractors, 2016.
- (2) It shall be applicable to the contractors who are registered or are required to be registered under the Act or the Central Sales Tax Act, 1956 (74 of 1956).

Definitions.

2. (1) For the purposes of this Scheme:-
 - (a) “**Act**” means the Haryana Value Added Tax Act, 2003 (6 of 2003);
 - (b) “**aggregate amount**” means revenue recognized as per audited financial statements of the relevant financial year or valuable consideration, whichever is higher, in relation to business;
 - (c) “**business**” means an act of construction of civil structures, flats, dwelling units, buildings, premises, complexes, commercial or otherwise, whether wholly or partly (either by the contractor himself or through an authorized person) for sale, and transfers them in pursuance of an agreement alongwith land or interest underlying the land to a buyer, where the value of land or interest underlying the land is included in the total consideration received or receivable;
 - (d) “**contractor**” means a dealer, registered or unregistered, who either himself or through a sub-contractor, is engaged in and undertakes the business;
 - (e) “**Form**” means a Form appended to this Scheme.
- (2) Words and expressions used but not defined under this Scheme and defined in the Act, shall have the meanings respectively assigned to them under the Act.

Scope of Scheme.

3. (1) This Scheme shall apply to all contractors, whether they have or have not opted for lump sum scheme under rule 49 of the Haryana Value Added Tax Rules, 2003.
- (2) This Scheme shall apply irrespective of the fact that assessments are pending or have attained finality or assessment orders are pending before any authority under the Act or any court of law at the time of applying for the Scheme.
- (3) This Scheme once opted for a particular year shall be deemed to have been opted for upto the 31st March, 2014, and the contractor shall be liable to pay the amount as per this Scheme for each year up to the end of the period of the Scheme.
- (4) This Scheme shall not abate the liability of any other dealer who is otherwise liable to pay the tax under the Act, but is not covered under this Scheme.

**Computati
on of
liability.**

4. (1) A contractor opting under this Scheme shall pay year wise, in lieu of tax, interest or penalty arising from his business, by way of one time settlement, a lump sum amount at the rate of one percent of the entire aggregate amount, received/receivable for the business carried out during the year, without deduction of any kind. Further, a surcharge at the rate of five percent shall be charged on the amount so payable:

Provided that where the contractor has charged and collected tax from the buyers in any particular year and it exceeds the amount payable under this Scheme, then the amount of actual tax charged and collected during the year shall be the amount payable for that particular year under this Scheme.

- (2) No input tax credit on purchase of goods shall be admissible to the contractor under this Scheme. The liability under this Scheme shall also be irrespective of the liability of the sub-contractor under the Act. However, if the tax, interest or penalty already paid by him during the year covered under this Scheme exceeds the lump sum amount payable as per sub-clause (1) of clause 4 above, the excess amount shall be adjusted in subsequent year. Any excess amount left after such adjustments shall neither be refunded nor allowed to be adjusted against any other tax liability on the expiry of this Scheme.

**Form of
Application**

5. The contractor opting for this Scheme shall apply online in Form TC-1 appended to the Scheme, to the concerned assessing authority within ninety days from the date of this notification, furnishing the details required therein, declaring his year-wise liability and the latest status of the assessment cases.

**Payment of
liability.**

6. (1) The contractor shall calculate and declare his year-wise liability due under this Scheme in Form TC-1 and shall pay twenty-five percent of the total amount due and payable under the Scheme. The Contractor shall furnish proof of payment thereof alongwith Form TC-1.
- (2) The balance seventy-five percent of the total amount due and payable under this Scheme shall be paid by the contractor in three equal quarterly installments, each payable within fifteen days of the end of the next quarter without any interest. Failure to pay any of the installments in time shall attract interest at the rate of two percent per month for the period of delay, but this period of delay shall stand restricted to three months only and the contractor shall fully discharge his liability alongwith interest within this period of three months. In the event of default in making the payment, the option and the benefit already availed under this Scheme shall be liable to be withdrawn and the amount already paid shall stand forfeited. However, no order to this effect shall be passed by the assessing authority without affording a reasonable opportunity of being heard to the contractor.
- (3) All liabilities of tax including interest and penalty under the Act accruing on the business for the financial year shall stand discharged once the amount payable under this Scheme is paid in full by the contractor.

**Examination
of Form TC-
1.**

7. (1) A committee consisting of two senior most Excise and Taxation Officers (other than the concerned assessing authority) and the concerned Assessing Authority posted in the district shall examine Form TC-1 within twenty-one days of the receipt of such Form and make report to the concerned Deputy Excise and Taxation Commissioner (ST).
- (2) The Deputy Excise and Taxation Commissioner (ST), where he has reasons to believe that the information provided by the contractor in Form TC-1 is incomplete or incorrect in material particulars, he may, for reasons to be recorded in writing, serve a notice upon the contractor directing him to show cause as to why his application should not be rejected or as to why he should not be required to pay the amount payable that remains unpaid or short paid as per provisions of this Scheme.
- (3) The Deputy Excise and Taxation Commissioner (ST) shall pass an appropriate order, within a period of one month of the receipt of report from the committee. In case the Form is rejected, the amount

paid by the contractor alongwith the Form shall be adjusted against his liabilities under the Act or refunded, as the case may be.

- (4) The Excise and Taxation Commissioner may extend time period mentioned in sub-clauses (1) and (3) above in exceptional cases.
- (5) The Deputy Excise and Taxation Commissioner (ST) shall accept the Form which has been found in order or where the deficiency has been removed after notice, the same shall be conveyed to the applicant. However, the acceptance shall be subject to withdrawal of all cases as per clause 8 of this Scheme.

Withdrawal of pending cases by the contractor.

8. (1) In the event of acceptance of the Form by the Deputy Excise and Taxation Commissioner, the contractor shall, within fifteen days of the date of acceptance, make an application to withdraw all appeals, writ petitions and/or cases pending before any Authority or Court of Law. Similarly, any Authority under the Act shall keep all proceedings against the contractor in abeyance and such pending cases on final payment of the entire liability shall become infructuous.
- (2) In the event of failure of the contractor to withdraw the cases as above subsequent to the acceptance of his Form, his Form shall be deemed to have been rejected and the proceeding held in abeyance shall be finalized in accordance with law. The amount deposited by him under this Scheme shall stand forfeited:

Provided that the time period lost on account of proceedings under this Scheme shall be excluded in computing the period of limitation specified under the Act, to finalize the proceedings kept in abeyance under this Scheme.

Removal of doubts.

9. (1) Nothing contained in this Scheme shall be construed as conferring any benefit, concession or immunity on the contractor other than the benefit, concession or immunity granted under this Scheme.
- (2) In case of any ambiguity or dispute arising out of this Scheme, the decision of the Excise and Taxation Commissioner, Haryana thereon shall be final.

Form TC-1										
APPLICATION FORM FOR OPTING THE HARYANA ALTERNATIVE TAX COMPLIANCE SCHEME FOR CONTRACTORS, 2016										
(see clause 5)										
1.	Name of the Dealer									
	PAN									
	Mobile									
	E-mail id									
	SCO/Booth/Shop/Building/Flat/Floor No.									
	Sector/Area									
	City/Town/Village									
	Post Office									
	District									
	Pin Code									
State										
2.	TIN (if registered)									
	Date of Liability of TIN									
	Date of Validity of TIN									
3.	Date of Liability to pay tax under the Haryana Value Added Tax Act, 2003 (To be declared by the applicant on his own on the basis of his account books, if the dealer is not registered on the date of submission of this application)									
4.	The Financial Year from which the Scheme is opted									
5.	Financial Year	Gross receipts as per account books	Aggregate amount as per clause 4 (1) of the Scheme.	Liability @ 1% on amount shown in Column 3	Amount of tax charged/collected from	Liability as per Column 4 or Tax charged as	Tax, Interest and penalty already paid voluntarily or otherwise in respect of business defined in the scheme (Please attach proof of payment)			
							Tax	Interest	Penalty	Total

