

**(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE -  
EXTRAORDINARY)  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
FINANCE (TAXES & ESTABLISHMENT) DEPARTMENT  
DELHI SACHIVALAYA, I.P.ESTATE : NEW DELHI-02**

No.F.3(77)/Fin.(T&E)/2005-06/1528 kha

Dated: 17/03/2006

**NOTIFICATION**

In exercise of the powers conferred by sub-section (3) of section 13 of the Central Sales Tax Act, 1956 (74 of 1956) read with Govt. of India, Ministry of Home Affairs notification F. No.11030/5/2000-UTL dated 16th April, 2001, the Lt. Governor of the National Capital Territory of Delhi, hereby makes the following rules to further amend the Central Sales Tax (Delhi) Rules, 2005, namely: -

**RULES**

**1. Short title and commencement**

- (1) These rules may be called the Central Sales Tax (Delhi) (Amendment) Rules, 2006.
- (2) They shall come into force with immediate effect.

**2. Amendment of rule 3**

In the Central Sales Tax (Delhi) Rules, 2005 (hereinafter referred to as “the principal Rules”), in rule 3, in sub-rule (2), for the form of acknowledgement receipt appended thereto, the following shall be substituted, namely:-

“

**FORM OF ACKNOWLEDGEMENT RECEIPT**

Receipt No. ....

Dated the.....

Received from M/s.....

(Registration Certificate No. ....) a monthly/quarterly/six monthly/yearly return in Form 1 alongwith Part ‘C’ of the treasury challan showing the deposit of Rs. .... for the month/quarter/six months/year ending .....

Signature of Commissioner/person authorized

”

**3. Substitution of new rule for rule 4**

In the principal Rules, for rule 4, the following rule shall be substituted, namely:-

#### **“4. Reconciliation Return**

In addition to the returns required under rule 3, every dealer shall also furnish to the Commissioner, a Reconciliation Return in Form DVAT - 51 as prescribed in the Delhi Value Added Tax Rules, 2005, within a period of three months after the end of each quarter:

PROVIDED that in respect of the period from 1st April, 2005 to 30th September, 2005, every dealer shall furnish to the Commissioner by 31st December, 2006, a Reconciliation Return in Form DVAT-51 for the whole period.

*Explanation.* - The word “quarter” for the purposes of these rules means a quarter as defined in clause (d) of sub-rule (4) of rule 2 of the Delhi Value Added Tax Rules, 2005.”

#### **4. Amendment of rule 5**

In the principal Rules, in rule 5 -

- (a) for sub rule (2), the following sub-rule shall be substituted, namely: -

“(2) For obtaining a blank Declaration Form ‘C’ referred to in sub-rule (1) from the Commissioner, a registered dealer shall apply for issue of Forms to the Commissioner in Form ‘2C’ whenever such forms are required and shall affix court fee stamp at the rate of fifty paise per Form on the application.

PROVIDED that for obtaining blank declaration Form ‘C’ for the transactions prior to 1st October, 2005, a registered dealer shall submit a requisition account of declaration forms in Form ‘2A’ together with his last return for the year 2005-06 or by such date as may be notified by the Commissioner in this regard.”;
- (b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) If the applicant for Declaration Forms has, at the time of making the application, failed to comply with an order demanding security from him under sub-section (3A) of section 7 of the Act, the Commissioner shall reject the application.”;
- (c) for sub-rule (4), the following sub-rule shall be substituted, namely: -

“(4) If the applicant for Declaration Form ‘C’ has, at the time of making the application-

  - (i) defaulted in furnishing any return including reconciliation return or returns in accordance with the provisions of law or in payment of tax due according to such return; or
  - (ii) defaulted in making the payment of the amount of tax assessed, re-assessed or the penalty imposed by the Commissioner under the Delhi Value Added Tax Act, 2004 or under the various Acts repealed as per

section 106 of the Delhi Value Added Tax Act, 2004 or the Central Sales Tax Act, 1956 and in respect of which no orders for installment/stay have been obtained from the competent authority under the provision of law; or

- (iii) not filed proper utilization account in Form '2B', of Forms issued to him earlier; or
- (iv) some adverse material has been found by the Commissioner suggesting any concealment of sale or purchase or furnishing inaccurate particulars in the returns;

the Commissioner shall, after affording the applicant an opportunity of being heard, withhold, for reasons to be recorded in writing, issue of Declaration Form 'C' to him:

PROVIDED that the Commissioner may, after affording the applicant an opportunity of being heard, withhold, for reasons to be recorded in writing, issue of declaration Form 'C' for transactions prior to 1st October, 2005 to him if the applicant has not filed proper requisition account for such declaration forms or the applicant has not filed proper utilization account in Form 2B of the Forms issued to him earlier:

PROVIDED FURTHER that the Commissioner may instead of withholding Declaration Form 'C' to the applicant, issue such forms in such numbers and subject to such conditions and restrictions, as he may consider necessary:

PROVIDED ALSO that notwithstanding the provisions of any other rule the issue of Declaration Form 'C' to a dealer to whom a certificate of registration under the Act has been granted for the first time, shall be withheld by the Commissioner, until such time as all the returns for the return period commencing from the date of validity of the certificate of registration are furnished and tax due according to such return/returns is paid by him:

PROVIDED ALSO that for the transactions prior to 1st October, 2005, the Commissioner may, subject to such conditions and restrictions as may be imposed, issue declaration forms to an applicant even if he has not filed proper utilization account in Form '2B' of forms issued to him in respect of the transactions subsequent to 30th September, 2005.”;

- (d) for sub-rule (5), the following sub-rule shall be substituted, namely: -

“(5) A dealer who claims to have made a sale to a registered dealer shall furnish to the Commissioner within a period of three months after the end of the quarter to which the declaration relates along with the reconciliation return prescribed in rule 4, the portion marked “original”

of the Declaration Form 'C' received by him from the purchasing dealer and shall also produce for inspection, the portion of the Declaration Form marked "duplicate", if required to do so by the Commissioner:

PROVIDED that for the period from 1st April, 2005 to 30th September, 2005 a dealer who claims to have made a sale to a registered dealer shall furnish to the Commissioner by 31st December, 2006 along with the reconciliation return prescribed in rule 4, the portion marked "original" of the Declaration Form 'C' received by him from the purchasing dealer and shall also produce for inspection, the portion of the Declaration Form marked "duplicate", if required to do so by the Commissioner";

- (e) after sub-rule (14), the following sub-rule shall be inserted, namely:-

“(15) Every registered dealer to whom any declaration form is issued by the Commissioner shall furnish to the Commissioner utilization account in Form '2B' within a period of three months after the end of the quarter to which the declaration relates. In case no declaration form is utilized during any quarter in that event also the dealer shall furnish to the Commissioner utilization account in Form '2B' stating nil utilisation. PROVIDED that the utilization account in Form '2B' of the forms relating to the transactions prior to 1st October, 2005 shall be furnished to the Commissioner within a period of three months after the end of the quarter in which such declaration forms are issued to him by the Commissioner.”

## **5. Amendment of rule 6**

In the principal Rules, in rule 6, in sub-rule (3), for clause (a), the following clause shall be substituted, namely: -

“(a) A dealer who claims to have made a sale to the Government (other than the Government registered as a dealer under the Act) shall, in respect of such claim, furnish to Commissioner within a period of three months after the end of the quarter to which the certificate relates along with the reconciliation return prescribed in rule 4, the portion marked "original" of the certificate in Form 'D' received by him from the authorised officer of the Government and shall also produce for inspection the portion of the certificate marked "duplicate", if required to do so by the Commissioner:

PROVIDED that a dealer who claims to have made a sale to a registered dealer during the period from 1st April, 2005 to 30th September, 2005 shall furnish to the Commissioner by 31st December, 2006 along with the reconciliation return prescribed in rule 4, the portion marked "original" of the Declaration Form 'C' received by him from the purchasing dealer and shall also produce for inspection, the portion of the

Declaration Form marked “duplicate”, if required to do so by the Commissioner.”

**6. Insertion of new rules 6A and 6B**

In the principal Rules, after rule 6, the following rules shall be inserted, namely: -

**“6A. Use, custody, maintenance, etc. of records of certificates in Form ‘J’**

(1) An authorised officer for the purchase of diplomatic mission, consulates, United Nations and other international body and diplomatic agent, consular, official or personnel thereof, in the course of inter-state trade or commerce from a registered dealer shall furnish a certificate in Form ‘J’ referred to in sub-rule (11A) of rule 12 of the Central Rules.

(2) The provisions of sub-rule (2) and sub-rule (3) of rule 5 in relation to declaration Form ‘D’ referred to therein shall also apply to certificate in Form ‘J’, with such changes as circumstances may require.

**6B. Use, custody, maintenance, etc. of records of declaration in Form ‘I’**

The provisions relating to the authority from whom and the conditions subject to which any declaration in Form ‘I’ may be obtained, the manner in which such form shall be kept in custody and records relating thereto maintained and the manner in which any such form may be used and any such declaration may be furnished in so far as they apply to declaration in Form ‘C’ prescribed in rule 5 shall *mutatis mutandis* apply to declaration in Form ‘I’.”

**7. Amendment in rule 7**

In the principal Rules, in rule 7,

(a) in sub-rule (5), for clause (a), the following clause shall be substituted, namely:-

“(a) A registered dealer who claims that his subsequent sale to another registered dealer or to the Government is exempt from tax under sub-section (2) of section 6 of the Act shall, in respect of such claim, furnish to the Commissioner within a period of three months after the end of the quarter to which the declaration relates along with the reconciliation return prescribed in rule 4, the portion marked “original” of the certificate in Form ‘E-I’ and ‘E-II’, as the case may be, received by him from the registered dealer from whom he made the purchase along with the declaration in Form ‘C’, If any, received by him from the registered dealer to whom he made the subsequent sale. If such sale is to the Government, he shall furnish to the Commissioner, a certificate in Form ‘D’. He shall also produce for inspection the portion of the

aforesaid declaration and certificate marked “duplicate”, if required to do so by the Commissioner.

PROVIDED that a dealer who claims to have made a sale to a registered dealer during the period from 1st April, 2005 to 30th September, 2005, shall furnish to the Commissioner by 31st December, 2006 along with the reconciliation return prescribed in rule 4, the portion marked “original” of the Certificate in Form ‘E-I’ or ‘E-II’, as the case may be, received by him from the purchasing dealer and shall also produce for inspection, the portion of the Certificate marked “duplicate”, if required to do so by the Commissioner.”

- (b) after sub-rule (7), the following sub-rule shall be inserted, namely:-

“(8) Every registered dealer to whom any declaration form is issued by the Commissioner shall furnish to the Commissioner utilization account in Form ‘2B’ within a period of three months after the end of the quarter to which the declaration relates. In case no declaration form is utilized during any quarter, in that event also the dealer shall furnish to the Commissioner utilization account in form ‘2B’ stating nil utilisation:

PROVIDED that the utilization account in Form ‘2B’ of the forms relating to the transactions prior to 1st October, 2005 shall be furnished to the Commissioner within a period of three months after the end of the quarter in which such declaration forms are issued to him by the Commissioner.”

## **8. Amendment in rule 8**

In the principal Rules, in rule 8, -

- (a) for sub-rule (1), the following sub-rule shall be substituted, namely: -

“(1) A registered dealer who intends to issue a Declaration in Form ‘F’ referred to in sub-rule (5) of rule 12 of the Central Rules, for the purpose of section 6A of the Act, shall obtain the same from the Commissioner to the extent required by him on payment at the rate of one rupee per form and such payment shall be made in the form of court-fee stamps:

PROVIDED that no form shall be issued to a dealer until he has rendered complete and satisfactory account of Forms, if any, issued to him on any earlier occasion:

PROVIDED FURTHER that for the transactions prior to 1st October, 2005, the Commissioner may, subject to such conditions and restrictions as may be imposed, issue declaration forms to an applicant even if he has not rendered complete and satisfactory account of forms, if any, issued to him on any earlier occasion in respect of the period subsequent to 30th September, 2005.”;

(b) after sub-rule (12), the following sub-rule shall be inserted, namely:-

“(13) Every registered dealer to whom any declaration form is issued by the Commissioner shall furnish to the Commissioner utilization account in Form ‘2B’ within a period of three months after the end of the quarter to which the declaration relates. In case no declaration form is utilized during any quarter, in that event also the dealer shall furnish to the Commissioner utilization account in Form ‘2B’ stating nil utilisation: PROVIDED that the utilization account in Form ‘2B’ of the forms relating to the transactions prior to 1st October, 2005 shall be furnished within a period of three months after the end of the quarter in which such declaration forms are issued to him by the Commissioner.”

**9. Amendment of rule 9**

In the principal Rules, in rule 9, for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) The transferor shall furnish to the Commissioner within a period of three months after the end of the quarter to which the declaration relates along with the reconciliation return prescribed in rule 4, the portion marked “original” of the declaration in Form ‘F’ referred to in sub-rule (5) of rule 12 of the Central Rules and shall also produce for inspection the portion marked “duplicate”, if so required by the Commissioner:

PROVIDED that for the period from 1st April, 2005 to 30th September, 2005 the transferor shall furnish to the Commissioner by 31st December, 2006 along with the reconciliation return prescribed in rule 4, the portion marked “original” of the Declaration Form ‘F’ received by him and shall also produce for inspection, the portion of the Declaration Form marked “duplicate”, if required to do so by the Commissioner.”

This notification shall come into force with immediate effect.

By order and in the name of the  
Lt. Governor of the National  
Capital Territory of Delhi,

(Daljit Singh)  
Dy. Secretary, Finance (T&E)

No.F.3(77)/Fin.(T&E)/2005-06/1533 kha

Dated: 17/03/2006

Copy forwarded for information and necessary action to:-

1. The Pr. Secretary (GAD), Govt. of NCT of Delhi with one spare copy for its publication in Delhi Gazette Part-IV (extraordinary) in today's date.
2. The Secretary, Govt. of India, Ministry of Home Affairs, North Block, New Delhi.
3. The Secretary, Govt. of India, Ministry of Finance, Deptt. of Revenue, Jeevan Deep Building, New Delhi.
4. The Secretary to Finance Minister, GNCT of Delhi, Delhi Sachivalaya, I.P. Estate, New Delhi.
5. The Pr. Secretary (Finance), GNCT of Delhi, Delhi Sachivalaya, I.P. Estate, New Delhi.
6. The Commissioner, Value Added Tax, Bikri Kar Bhawan, I.P Estate, New Delhi.
7. The Deputy Secretary (L&J), GNCT of Delhi, Delhi Sachivalaya, I.P Estate, New Delhi.
8. The Registrar, Sales Tax Appellate Tribunal, Bikri Kar Bhawan, I.P. Estate, New Delhi.
9. VAT Officer (Policy), Sales Tax Department, Govt. of NCT of Delhi, New Delhi.
10. Guard File.

**(Daljit Singh)**  
**Dy. Secretary, Finance (T&E)**