

Ref.No. 2B/R-12/8461

04.05.2010

Shri Chandra Bhanu, I.A.S.
Commissioner,
Commercial Tax, Govt. of U.P,
Vibhuti Khand, Gomti Nagar,
Lucknow

Shri D.S.Mishra, I.A.S.
Principal Secretary,
Tax & Registration, Govt. of U.P,
Secretariat Annexe,
Lucknow

Shri V.N.Garg, I.A.S
Executive Director,
Udyog Bandhu,
12-C, Mall Avenue,
Lucknow

Shri Chandra Bhanu, I.A.S.
Commissioner,
Commercial Tax, Govt. of U.P,
Vibhuti Khand, Gomti Nagar,
Lucknow

Sub:- Continuance of Registration from UPTT to VAT.

Sir,

Indian Industries Association had made a representation to Commissioner, Commercial Tax that due to certain anomalies and misconception stated here in under a large number of Dealers did not apply for continuation of Registration from UPTT to VAT. For this sec-17(3) was enough to convince to the contrary. This reads as under :-

“Every dealer who has held immediately before January 1, 2008 a registration certificate or a provisional registration certificate issued under the erstwhile Act and is liable to pay tax under this Act from January 1, 2008, shall be deemed a registered dealer with effect from January 1, 2008.

Provided that where a dealer was required to pay any fee for renewal of the registration certificate under the provisions of the erstwhile Act, if the same has not been paid, the registration certificate shall not be deemed valid unless such dealer deposits renewal fee alongwith late fee of one hundred rupees within a period of thirty days from January 1, 2008”.

Since the above quoted section 17(3) has clearly made a deeming provision to the effects that bona-fide registered Dealers will automatically without any formality would be deemed to have been continued Registered in VAT. The Deptt. itself on the eve of new Act neither launched any campaign nor advertise the same, the Dealers kept convinced on the Deeming provision considering it adequate alright.

The Deptt. did neither issue a Notice nor the completely computerized network refused to accept the Returns, issue forms, Deposit tax or appear for hearings etc; until Notices in first quarter of 2010 started to pour in en-mass. The above will explain that the Dealer had no malafides, no intention to evade or not complying with law.

Therefore, a relaxation order may kindly be issued to accommodate the large number of bonafide Registered Dealer and not Debar genuine Tax payers from paying due Tax and importing goods etc.

Thanking you,

Yours faithfully,

D.S.Verma
Executive Director