

## DISCLAIMER

*While every care has been taken to provide accurate copy of the West Bengal Sales Tax (Settlement of Dispute) Rules, 1999 incorporating the subsequent amendments, the Directorate of Commercial Taxes, West Bengal will not be responsible for any typographical or any other error/ inaccuracy in the said rule. For authoritative version of the provisions, reference may be made to the relevant notifications.*

### **THE WEST BENGAL SALES TAX (SETTLEMENT OF DISPUTE) RULES, 1999**

*[Published in Calcutta Gazette, Extraordinary, dated 16-6-1999]*

*[As amended by notification No. 448-F.T., dated 24<sup>th</sup> March, 2015]*

Notification No. 1749-F.T., dated 16th June, 1999.—In exercise of the power conferred by section 15 of the West Bengal Sales Tax (Settlement of Dispute) Act, 1999 (West Ben. Act IV of 1999), the Governor is pleased hereby to make the following rules:—

**1. Short title and commencement.**— (1) These rules may be called the West Bengal Sales Tax (Settlement of Dispute) Rules, 1999.

(2) They shall come into force on the 1st day of July, 1999.

**2. Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

(a) "appeal or revision pending" means any appeal or revision where the memorandum of such <sup>1</sup>[appeal or revision in respect of any period ending on or before the 31<sup>st</sup> day of March, 2010, presented under the relevant Act is pending on the 31<sup>st</sup> day of January, 2015,] before the appropriate appellate or revisional authority, and includes such appeal or revision in respect of which any amount of admitted tax, penalty, or interest, if remaining unpaid, wholly or partly, is paid by the applicant in full before making of an application by him for settlement of any dispute under section 5.

*Explanation.*—For the removal of doubt, it is hereby declared that the "appeal or revision pending" shall not include any appeal or revision where the admitted tax, penalty, or interest, is not paid in full by the applicant before making of an application by him for settlement under section 5, but shall include any such appeal or revision where the applicant has failed to comply with any other requirement, including the requirement of time for presenting the application for such appeal or revision, under the relevant Act, before the appropriate appellate or revisional authority;

(b) "appropriate designated authority", in relation to any particular applicant, means such designated authority within whose jurisdiction the place of business of such applicant is situated or was situated before the business of the applicant ceased to exist or was discontinued;

(bb) "revision pending", for the purpose of section 4A, means any application relating to any arrear tax, penalty or interest in dispute pending before the West Bengal Taxation Tribunal, or the High Court, or the Supreme Court, on <sup>2</sup>[the 31st day of January, 2015,] other than an application relating to any period in respect of which any amount of admitted tax, penalty, or interest, is not paid in full by the applicant before making an application for settlement under section 5;

(c) "section" means a section of the Act;

(d) "the Act" means the West Bengal Sales Tax (Settlement of Dispute) Act, 1999 (West Ben. Act IV of 1999).

(2) Words and expressions used in these rules and not defined, but defined in the Act or in the relevant Act, shall have the meanings respectively assigned to them in the Act or in the relevant Act, as the case may be.

1. Substituted “*appeal or revision in respect of any period ending on or before the 31<sup>st</sup> day of March, 2010, presented under the relevant Act is pending on the 31<sup>st</sup> day of January, 2015,*” for “*appeal or revision is presented under the relevant Act on any date before the 1<sup>st</sup> day of April, 2008, and is pending on the 31<sup>st</sup> day of March, 2008,*” by notification No. 448-F.T., dated 24.03.2015 w.e.f. 25.03.2015.

Earlier amendments: Substituted (i) “*before the 1<sup>st</sup> day of April, 2008,*” by notification No. 989-F.T., dated 19.06.2008 w.e.f. 1-4-2008 (ii) “*on or after the 1<sup>st</sup> day of April, 2003 but before the 31<sup>st</sup> day of December, 2006*” by notification No. 801-F.T., dated 04.06.2007 w.e.f. 1-4-2007 (iii) “*on or after the 1<sup>st</sup> day of April, 2003 but before the 1<sup>st</sup> day of September, 2006*” for “*prior to the 1<sup>st</sup> day of April, 2003,*” by notification No. 1433-F.T., dated 21-8-2006, w.e.f. 1-8-2006.

Substituted (i) “*pending on the 31<sup>st</sup> day of March, 2008,*” by notification No. 989-F.T., dated 19.06.2008 w.e.f. 1-4-2008 (ii) “*pending on the 30<sup>th</sup> day of November, 2006,*” by notification No. 801-F.T., dated 04.06.2007 w.e.f. 1-4-2007 (iii) “*pending on the 31<sup>st</sup> day of August, 2006,*” for “*pending on the 31<sup>st</sup> day of March, 2003,*” by notification No. 1433-F.T., dated 21-8-2006, w.e.f. 1-8-2006.

2. Substituted (i) “*on the 31<sup>st</sup> day of January, 2015*” for “*on the 31<sup>st</sup> day of March, 2008,*” by notification No. 448-F.T., dated 24.03.2015 w.e.f. 25.03.2015 (ii) “*on the 31<sup>st</sup> day of March, 2008,*” by notification No. 989-F.T., dated 19.06.2008 w.e.f. 1-4-2008 (iii) “*30<sup>th</sup> day of November, 2006,*” by notification No. 801-F.T., dated 04.06.2007 w.e.f. 1-4-2007 (iv) “*the 31<sup>st</sup> day of March, 2003,*” for “*the 31<sup>st</sup> day of March, 2001,*” by notification No. 2676-F.T., dated 29-9-2003, w.e.f. 05-8-2003.

**3. Manner and form of application for settlement.**—(1) An application referred to in section 5 shall be made by an applicant in duplicate in Form 1 to the appropriate designated authority:

Provided that in a case where the provisions of sub-section (4) of section 5 apply, the application in Form 1 shall be made by the applicant in triplicate to the appropriate designated authority.

(2) The application in Form 1 shall be duly filled in and signed by the proprietor or, in the case of a partnership firm, by one of its partners or, in the case of a Hindu undivided family, by the Karta of such family or, in the case of a company, by the Managing Director, Director or principal officer of such company or, in the case of Government, by a duly authorised officer or, in the case of any other association of persons, by the President, Secretary, or the principal officer of such association or, in the case the business has ceased to exist or has been discontinued prior to the date of coming into force of the Act, by any person who would have been competent to fill in and sign the application on behalf of the applicant if such business had not ceased to exist or had not been discontinued, or the legal heir, successor, assignee or nominee of the dealer, the occupier of a jute-mill or the shipper of jute, as the case may be, who used to carry on such business.

**4. Particulars to be furnished in the application for settlement.**—(1) An application in Form 1 shall contain, *inter alia*, the following particulars:—

- (a) the name of the applicant;
- (b) the trade name of the business;
- (c) the address of the only/chief place of business;
- (d) the full postal address at which communication may be made;
- (e) the number of the certificate of registration under the relevant Act to which the application relates;
- (j) the period in respect of assessment of tax/imposition of penalty/determination of interest to which the application relates;
- (g) the particulars of the appeal or revision pending, namely:—

- i) the designation of the appellate or revisional authority before whom the appeal or revision is pending.,
  - ii) the date of presentation of the memorandum of appeal or revision so pending before such authority,
  - iii) the appeal or revision case No.;
- (gg) the particulars of the application pending before the Tribunal or the High Court or the Supreme Court;
- (h) the particulars of the arrear tax, penalty or interest in dispute;
- (i) the amount of admitted tax, penalty or interest and the particulars of payment thereof, for the period to which the application relates;
- (j) particulars of any amount of arrear tax, penalty or interest in dispute paid by the applicant before making the application under section 5;
- (k) the particulars of revision pending in respect of the same period where this application is made in accordance with the provisions of sub-section (4) of section 5, in respect of the appeal pending for such period.

(2) The application in Form 1 shall be verified in the manner provided<sup>3</sup> [in such form, and shall be presented along with a copy of the petition pending in appeal or revision or along with a copy of the application filed before the West Bengal Taxation Tribunal or the High Court or the Supreme Court, a copy of the last notice received from the appropriate authority under the relevant Act in respect of such appeal or revision pending, or receipt evidencing submission of such petition of appeal or revision if no notice or communication is received in respect of such appeal or revision pending, a copy of the impugned order and the relevant demand notice, a copy of the order of the West Bengal Taxation Tribunal, or High Court or the Supreme Court granting the leave as referred to in sub-section (1) of section 4A, and a statement containing details of certificates or declarations received, including the amounts covered therein, as referred to in sub-clause (i) of clause (a) of sub-section (1) of section 7 of the Act, as the case may be.]

3. *Substituted "in such form, and shall be presented along with a copy of the petition pending in appeal or revision or along with a copy of the application filed before the West Bengal Taxation Tribunal or the High Court or the Supreme Court, a copy of the last notice received from the appropriate authority under the relevant Act in respect of such appeal or revision pending, or receipt evidencing submission of such petition of appeal or revision if no notice or communication is received in respect of such appeal or revision pending, a copy of the impugned order and the relevant demand notice, a copy of the order of the West Bengal Taxation Tribunal, or High Court or the Supreme Court granting the leave as referred to in sub-section (1) of section 4A, and a statement containing details of certificates or declarations received, including the amounts covered therein, as referred to in sub-clause (i) of clause (a) of sub-section (1) of section 7 of the Act, as the case may be" for "in such form" by notification No. 448-F.T., dated 24.03.2015 w.e.f. 25.03.2015.*

**5. Presentation of application for settlement.**—(1) An application for settlement in respect of any appeal or revision pending shall be presented by the applicant or by an agent duly authorised by him to the appropriate <sup>4</sup>[Senior Joint Commissioner] who has jurisdiction over such applicant, or such application may be sent to the said authority by registered post.

(2) If an application for settlement is sent by registered post, the day on which such application is received by the office of the authority referred to in sub-rule (1) shall be treated as the day of its presentation.

4. *Substituted "Senior Joint Commissioner" for "Deputy Commissioner" by notification No. 71-F.T., dated 15.01.2009, w.e.f. 16.01.2009.*

<sup>5</sup>[**6. Scrutiny of application and issue of notice in case of any discrepancy or short payment.**—(1) Where the designated authority is satisfied that the applicant has given all the requisite information in the application made under section 5 and that such application is in order and such applicant has made payment of the amount required to be made for settlement, such authority shall issue a provisional certificate in Form 2 within seven working days of receipt of the application made under section 5 along with the copy of duly received challan showing payment of such amount.

(2) Where, upon scrutiny of the application made under section 5, it appears to the designated authority that there is any discrepancy in such application or there is any short payment of the amount payable for settlement, such authority shall issue a notice in Form 3, requiring the applicant to rectify the discrepancy or to make payment of the balance amount payable for settlement within fifteen days from the date of receipt of such notice.

(3) Where the appropriate designated authority is satisfied that the applicant has rectified the discrepancy in the application or that the applicant has paid the amount required to be paid in terms of the notice issued under sub-rule (2), such authority shall signify to the applicant his satisfaction in Form 3A and thereupon the dispute shall be deemed to have been settled.

(4) If the applicant to whom a notice is issued under sub-rule (2), fails to rectify the discrepancy or make payment of the amount short paid, such application may be refused by the designated authority in accordance with the provisions of sub-section (2) of section 8, after expiry of the time allowed for rectification or payment under the said sub-rule or after expiry of such further time not exceeding three months, as may be allowed by such authority.]

*5. Subs. by notification No. 2273-F.R., dated 25-8-2003, w.e.f. 05-8-2003.*

7. <sup>6</sup>[*Omitted.*]

*6. Rule "7. Issue of certificate of settlement." omitted by notification No. 2273-F.R., dated 25-8-2003, w.e.f. 05-8-2003.*

**8. Form and manner of, and time for, certain information to be sent to the authorities under the relevant Act.**—(1) The appropriate designated authority shall keep the appropriate appellate or revisional authority, and the appropriate assessing authority, under the relevant Act informed of the matters referred to in clause (a), clause (b) or clause (c) of section 13:

Provided that in a case where the provisions of sub-section (4) of section 5 apply, the appropriate designated authority shall keep both the appropriate appellate authority and the appropriate revisional authority under the relevant Act informed of the matters referred to in this sub-rule.

(2) The appropriate designated authority shall send information to the authorities under the relevant Act in respect of the matters, referred to in sub-rule (1), in Form 4 ordinarily within seven days from the date on which-

- (a) an application under section 5 is received from an applicant, or
- (b) any order is passed by the designated authority under section 8, or
- (c) any certificate of settlement is revoked under sub-section (1) of section 12.