

FREQUENTLY ASKED QUESTIONS (FAQ)  
ABOUT ENTRY TAX IN WEST BENGAL

Q1	Is it true that all existing registered dealers under W.B.V.A.T. Act, 2003 or W.B.S.T. Act, 1994 will be deemed to be registered under this Act w.e.f. 01.04.2012?
A1	Whenever a registered dealer under any of the Acts mentioned above generates a waybill in Form 50A (VAT), or applies for issue of waybill in Form 50 (manual-VAT) or Form 42 (WBST), for the first time, such dealer shall be automatically granted registration under this Act. Thus, any registered dealers under W.B.V.A.T. Act, 2003 or W.B.S.T. Act, 1994 will be deemed to be registered under this Act from the first date he generates or applies for waybill after 01.04.2012. Dealers applying for registration after 01.04.2012 under those Acts may opt for registration under the W.B.T.E.G.L.A. Act, 2012 also. Apart from these registered dealers, other dealers who have liable to pay tax under the Act have to apply for registration.
Q2	What shall be the registration number under this Act?
A2	For registered dealers under W.B.V.A.T. Act, 2003 it shall be the VAT RC No., while for the dealers registered only under the W.B.S.T. Act, 1994 it shall be the WBST RC No. Dealers having registration under both the Acts shall use their VAT RC No. only.
Q3	Is entry tax payable on fruits, vegetables, rice, wheat, paddy, flour, pulses, egg, fish and salt also?
A3	<b>No.</b> Entry tax is not payable on any of the above items. Infact <b>on all goods given in Schedule A</b> (i.e. tax free goods) of W.B.V.A.T. Act, 2003 <u>no entry tax is payable.</u>
Q4	Is entry tax payable on tractor, fertiliser, insecticide, fungicide and germicide mainly used by farmers?
A4	<b>No.</b> Entry tax is not payable on the above items. The goods though covered under Schedule C of the W.B.V.A.T. Act, 2003 have been specifically excluded by issue of Notification No. 452FT dated 31.03.2012. Please refer to Q7 below.
Q5	Is a registered dealer (who is an importer) under W.B.V.A.T. Act, 2003 liable to pay entry tax on all his imports into the State from outside?
A5	The registered dealer is liable to pay entry tax on his <u>taxable turnover of imports</u> i.e. turnover of import minus deductions as given in sub-section (5) of section 4 read with rule 6.
Q6	Is entry tax payable on all specified goods given in the Schedule?
A6	<b>No.</b> Entry tax is payable only on those specified goods for which rate of tax has been specified by the Government through a notification.
Q7	On which specified goods entry tax is payable?
A7	Tax at the rate of 1% has been specified for following specified goods:–  1 Goods referred to in Schedule C of the West Bengal Value Added Tax Act, 2003 <b>excluding the following</b> :–  (a) Agricultural implements not operated manually or not driven by animal; (b) Bamboo including split bamboo, kite sticks and cut bamboo, and cane; (c) Chemical fertilizers including basic slag, pesticides, weedicides, insecticides, germicides, fungicides and herbicides, other than bleaching powder; (d) Groundnut or peanut seed as referred to in sub-clause (i) and rapeseed and mustard seed as referred to in sub-clause (iv), of clause (6) of section 14 of the Central Sales Tax Act, 1956;

	<p>(e) Tea;</p> <p>(f) Tractors, threshers, harvesters;</p> <p>(g) Newsprint for the purpose of printing of newspaper in West Bengal.</p> <p>2 Goods referred to in Schedule CA of the West Bengal Value Added Tax Act, 2003.</p> <p>3 Goods referred to in Schedule D of the West Bengal Value Added Tax Act, 2003.</p> <p>4 Foreign liquor, whether made in India or not, including <i>brandy, whisky, vodka, gin, rum, liqueur, cordials, bitters</i>, and wines, or a mixture containing any of these, as also <i>beer, ale, porter, cider, perry</i> and similar potable fermented liquors, as specified in Schedule VIII of the West Bengal Sales Tax Act, 1994.</p>
Q8	Whether tax paid or payable under this Act qualify for input tax credit under the W.B.V.A.T Act, 2003?
A8	No. Entry tax paid or payable cannot be claimed as set-off under W.B.V.A.T Act, 2003.
Q9	If goods dispatched from another State for <b>immediate export</b> to Bangladesh/Bhutan enters into local area, will entry tax become payable?
A9	No. Entry tax is not payable -section 4(4)(a).
Q10	A dealer of Delhi has sold goods to Canteen Stores under Ministry of Defence, will Canteen Stores have to pay ET?
A10	Yes. Rule 6(1)(e) allows deduction from turnover of imports <b>only</b> to those specified goods which are consigned by a Defence group having office in outside State . Here the consignor is a dealer having its office in outside State.
Q11	Is entry tax payable on stock transfer by a dealer (Regd. or un-regd.) from its one branch to another branch in West Bengal only?
A11	No. Entry tax is not payable. It is allowed as deduction from turnover of imports - Section 4(5)(c).
Q12	Is entry tax payable on purchases made from a registered dealer of West Bengal who has already paid entry tax on those goods, assuming the goods enter into local area 'X' from local area 'Y'?
A12	No. Entry tax is not payable. It is allowed as deduction from turnover of imports - Section 4(5)(a).
Q13	Is entry tax payable on goods that enter into local area for onward movement to Assam i.e. using W.B. as a corridor, but only after transshipment at Silliguri?
A13	Entry tax is not payable provided nothing is done to those goods amounting to consumption, use or sale of the same within West Bengal.
Q14	Can a registered dealer pay entry tax monthly?
A14	Yes, the registered dealer is required to pay the entry tax monthly only. In case of delay in payment interest shall be payable @ 1% per month for each day of default.
Q15	Who has to furnish return under the Act?

A15	<p>Every registered dealer under the W.B.T.E.G.L.A. Act, 2012 shall, submit a return in Form ET-3 quarterly within the next English calendar month from the date of expiry of the quarter. It may be said that the provisions are similar to those we have in the W.B.V.A.T Act, 2003. For delay in furnishing return, late fee shall become payable as below:</p> <table border="1" data-bbox="188 336 1374 506"> <thead> <tr> <th data-bbox="188 336 794 383">Tax Payable &lt; or = Rs.10,000.00 or NIL</th> <th data-bbox="794 336 1374 383">Tax Payable &gt; Rs.10,000.00 or NIL</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 383 794 506">Rs.300.00 for the first month or part thereof and Rs.100.00 for every subsequent English Calendar month or part thereof.</td> <td data-bbox="794 383 1374 506">Rs.1000.00 for the first month or part thereof and Rs.250.00 for every subsequent English Calendar month or part thereof.</td> </tr> </tbody> </table>	Tax Payable < or = Rs.10,000.00 or NIL	Tax Payable > Rs.10,000.00 or NIL	Rs.300.00 for the first month or part thereof and Rs.100.00 for every subsequent English Calendar month or part thereof.	Rs.1000.00 for the first month or part thereof and Rs.250.00 for every subsequent English Calendar month or part thereof.
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Q16	<p>Will entry tax be payable on goods that enter into local area from outside but are subsequently dispatched outside the State <b>in the same form</b>? The dispatch can be on account of — (i) stock transfer; (ii) inter-State sales; (iii) job work (iv) export to neighboring countries [other than immediate export covered u/s 4(4)(a)].</p>				
A16	<p>Where such goods are dispatched outside the State <b>in the same form</b> without making any consumption, use or sale thereof within three months from the date of entry of the very same goods into a local area of the State, the amount of tax paid under this Act by a registered dealer on entry of such specified goods in the same form into the local area shall be allowed to be deducted from or adjusted with the amount of tax payable by such registered dealer for the tax period in which such goods have been so despatched - Rule 7(1).</p>				
Q17	<p>When the form ET-2 is to be used?</p>				
A17	<p>It is to be used for entry of specified goods into a local area and which is not covered by any other sub-rule of rule 11 [i.e. sub-rule (2) to (6) ]. A few examples where it can be used are – (i) goods being sent for job work from local area 1 to local area 2 on the basis of challan; (ii) goods being sent, otherwise than by sale, from local area 1 to local area 2 by UR dealer or person; (iii) goods being printed materials including calendar, brochure, leaflet or pamphlet not meant for sale and for which no waybill is required at the time of its import from outside the State.</p>				
Q18	<p>What is the meaning of the words “import value”?</p>				
A18	<p>Import value in respect of a consignment of specified goods upon entry of such goods in a local area by or on behalf of a dealer or an importer other than a dealer, means—  (a) the price or cost at which the dealer or importer other than a dealer has purchased or procured or acquired or obtained the specified goods, as shown in the original tax invoice, invoice or bill or stock transfer advice or document of like nature; or  (b) where the tax invoice, invoice or bill or stock transfer advice or document of like nature is not available or is not produced, or where the price or cost of such specified goods is not separately mentioned therein, or where the tax invoice, invoice or bill or stock transfer advice or document of like nature produced is proved to be false or the information furnished therein is found to be incorrect, the prevailing market price of such specified goods in the local area;</p>				
Q19	<p>If a registered dealer imports any specified goods from outside India, on what value will he be liable to pay entry tax?</p>				
A19	<p>On value given in the invoice or bill multiplied by the currency exchange rate as accepted by Customs Authorities. No entry tax is payable on freight or customs duty, etc.</p>				
Q20	<p>Will the provisions of summary assessment as introduced under W.B.V.A.T. Act, 2003 (i.e. section 47AA) be applicable under this Act too?</p>				
A20	<p><b>Yes.</b> The returns furnished under this Act shall be summarily assessed in accordance with the</p>				

	provisions of section 3 of this Act read with section 47AA of the W.B.V.A.T. Act, 2003.
Q21	If a registered dealer inadvertently pays excess entry tax in one month, can he adjust that excess amount in the next month?
A21	<b>Yes.</b> It can be adjusted in the next month provided it is within the same accounting year.
Q22	A registered dealer has paid excess amount of entry tax in the month of March. Now he wants to adjust the same in the month of April of next year. Can he do so?
A22	<b>No.</b> The excess payment can be adjusted only if the next month falls within the same accounting year. Such excess payment will be refunded upon application and after making assessment.
Q23	No waybill is required for import of printing materials under rule 99 of the W.B.V.A.T. Rules, 2005. Will entry tax have to be paid on its import?
A23	<b>Yes.</b> Printing materials, other than books and periodicals, are taxable goods on which entry tax is payable.

**NOTE:** In the answers above wherever it is stated that entry tax has to be paid or is payable, it is presumed that the goods have entered into a local area for sale, consumption or use therein.

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