

GOVERNMENT OF NCT OF DELHI
STATE TAX DEPARTMENT

FORM GST MOV-08

BOND FOR PROVISIONAL RELEASE OF GOODS AND CONVEYANCE

I/We.....S/D/W of.....hereinafter called "obligor(s)" am/are held and firmly bound to the President of India (hereinafter called "the President") and/or the Governor of(State) (hereinafter called "the Governor") for the sum of.....rupees to be paid to the President / Governor for which payment will and truly be made. I jointly and severally bind myself and my heirs/ executors/ administrators/ legal representatives/successors and assigns by these presents; dated this.....day of.....

WHEREAS, in accordance with the provisions of sub-section (1) of section 129 of the Delhi Goods and Services Tax Act, 2017, the goods have been detained vide order numberdated..... having value ofrupees and involving an amount of tax of rupees. On my request, the goods have been permitted to be released provisionally by the proper officer on execution of the bond of valuerupees and a security ofrupees against which bank guarantee has been furnished in favour of the President/ Governor; and

WHEREAS, I undertake to produce the said goods released provisionally to me as and when required by the proper officer duly authorized under the Act.

And if all taxes, interest, penalty, fine and other lawful charges demanded by the proper officer are duly paid within seven days of the date of detention being made in writing by the said proper officer, this obligation shall be void.

OTHERWISE and on breach or failure in the performance of any part of this condition, the same shall be in full force and virtue:

AND the President/Governor shall, at his option, be competent to make good all the losses and damages from the amount of the bank guarantee or by endorsing his rights under the above- written bond or both;

IN THE WITNESS THEREOF these presents have been signed the day hereinbefore written by the obligor(s).
Signature(s) of obligor(s).

Date :

Place :

Witnesses

(1) Name and Address

Occupation

(2) Name and Address Date
Place

Occupation

Accepted by me this.....day of
.....(month).....(year)

.....(designation of officer) for and on behalf of the
President
/Governor.

(Signature of the Officer)

**GOVERNMENT OF NCT OF DELHI
STATE TAX DEPARTMENT**

**FORM GST MOV -09
ORDER OF DEMAND OF TAX AND PENALTY**

Order No.

Order Date

1.	Conveyance No.	
2.	Person in charge of the Conveyance	
3.	Address of the Person in charge of the Conveyance	
4.	Mobile No. of the Person in charge of the conveyance	
5.	e-mail ID of the Person in charge of the conveyance	
6.	Name of the transporter	
7.	GSTIN of the transporter, if any	
8.	Date and Time of Inspection	
9.	Date of Service of Notice	
10.	Order passed by	
11.	Date of Service of Order	
12.	Demand as per Order	

Act	Tax	Interest	Penalty	Fine/Other charges	Demand No.
CGST Act					
SGST / UTGST Act					
IGST Act					
Cess					
Total					

DETAILS OF GOODS DETAINED

Sl.No.	Description of goods	HSN Code	Quantity	Value

DETAILS OF CONVEYANCE DETAINED

Sl.No.	Description	Details
1.	Conveyance Registration No.	
2.	Vehicle Description	
3.	Engine No.	
4.	Chassis No.	
5.		

ORDER ENCLOSED

(Proper Officer)

GOVERNMENT OF NCT OF DELHI
STATE TAX DEPARTMENT

FORM GST MOV -09
ORDER OF DEMAND OF TAX AND PENALTY

Order No.

Order Date

1.	Conveyance No.	
2.	Person in charge of the Conveyance	
3.	Address of the Person in charge of the Conveyance	
4.	Mobile No. of the Person in charge of the conveyance	
5.	e-mail ID of the Person in charge of the conveyance	
6.	Name of the transporter	
7.	GSTIN of the transporter, if any	
8.	Date and Time of Inspection	
9.	Date of Service of Notice	
10.	Order passed by	
11.	Date of Service of Order	
12.	Demand as per Order	

Act	Tax	Interest	Penalty	Fine/Other charges	Demand No.
CGST Act					
SGST / UTGST Act					
IGST Act					
Cess					
Total					

DETAILS OF GOODS DETAINED

Sl.No.	Description of goods	HSN Code	Quantity	Value

DETAILS OF CONVEYANCE DETAINED

Sl.No.	Description	Details
1.	Conveyance Registration No.	
2.	Vehicle Description	
3.	Engine No.	
4.	Chassis No.	
5.		

ORDER ENCLOSED

(Proper Officer)

**ORDER UNDER SECTION 129 (3) OF THE DELHI GOODS AND SERVICES TAX ACT,
2017 READ WITH RELEVANT PROVISIONS OF THE CENTRAL GOODS AND
SERVICES TAX ACT, 2017 INTEGRATED GOODS AND SERVICES TAX ACT, 2017 AND
GOODS AND SERVICES (COMPENSATION TO STATES) ACT, 2017**

The conveyance bearing No. _____ was intercepted by _____ (name and designation of the proper officer) on _____ (date) at _____ (time) at _____ (place). The statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of sub-section (3) of section 68 of the Delhi Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central Goods and Services Tax Act, 2017 on _____ (date) and the following discrepancies were noticed.

- (i)
- (ii)
- (iii)

3. In view of the above, the goods and the conveyance used for the movement of goods were detained under sub-section (1) of section 129 of the Delhi Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act, 2017 by issuing an order of detention in FORM GST MOV-06 and the same was served on the person in charge of the conveyance on _____ (date).

4. Sub-section (1) of section 129 of the Delhi Goods and Services Tax Act, 2017 provides for the release of goods and conveyance detained on the payment of tax and penalty as under:

- (i) the applicable tax and penalty equal to one hundred percent of the tax payable on such goods, where the owner of the goods comes forward to pay such tax and penalty.
- (ii) the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Delhi Goods and Services Tax Act and Central Goods and Services Tax Act calculated separately or the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Integrated Goods and Services Tax Act, where the owner of the goods does not come forward to pay such tax and penalty.

4.1. Clause (c) of sub-section (1) of section 129 of the Delhi Goods and Services Tax Act, 2017 provides for the release of goods upon furnishing of a security equivalent to the amount payable under clause (a) or clause (b) of the said sub-section, as indicated supra at (i) and (ii) of para 4 above, in FORM GST MOV-08.

5. The calculation of proposed tax and penalty is as under:

1) CALCULATION OF APPLICABLE TAX

SL. NO.	DESCRIPTION OF GOODS	HS N CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				TAX AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS
1	2	3	4	5	6	7	8	9	10	11	12	13

2) CALCULATION OF APPLICABLE PENALTY UNDER CLAUSE (a) OF SUB-SECTION (1) OF SECTION 129

SL. NO.	DESCRIPTION OF GOODS	HS N CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS
1	2	3	4	5	6	7	8	9	10	11	12	13

3) CALCULATION OF APPLICABLE PENALTY UNDER CLAUSE (b) OF SUB-SECTION (1) OF SECTION 129

SL. NO.	DESCRIPTION OF GOODS	HS N CODE	QUANTITY	TOTAL VALUE (Rs.)	AMOUNT OF TAX				PENALTY AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESS
1	2	3	4	5	6	7	8	9	10	11	12	13

6. Incorporating the above points, a notice in FORM GST MOV-07 was issued and duly served on the person in charge of the conveyance, providing him an opportunity to show cause against the demand of tax and penalty as applicable and make payment of the same and to get the goods and conveyance released.

7. In response to the said notice,

(i) the owner of the goods/ person in charge of the conveyance has come forward and made the payment of tax and penalty as proposed. In view of this, the applicable tax and penalty proposed are hereby confirmed.

(ii) the owner of the goods/ person in charge of the conveyance has neither made the payment of tax and penalty proposed nor has he filed any objections to the notice issued in FORM GST MOV-07 and hence, the proposed tax and penalty are confirmed.

(iii) the owner of the goods/ person in charge of the conveyance has filed objections as under:

- a. ..
- b. ..
- c. ...

8. The objections filed by him were perused and found acceptable/ not acceptable for the following reasons:

< SPEAKING ORDER Text>

9. In view of the above, the applicable tax and penalty are hereby calculated/recalculated as under:

< RECALCULATION PART>

10. You are hereby directed to make the payment forthwith/not later than seven days from the date of the issue of the order of detention in FORM GST MOV-06, failing which action under section 130 of the ~~Central~~ Goods and Services Tax Act /section 21 of the Union Territory Goods and Services Tax Act or section 20 of the Integrated Goods and Services Act shall be initiated.

To,
Shri _____
Driver/Person- in- charge
Vehicle/Conveyance No:
Address:

Signature
Name and Designation of the
Proper Officer

GOVERNMENT OF NCT OF DELHI
STATE TAX DEPARTMENT

FORM GST MOV -10

NOTICE FOR CONFISCATION OF GOODS OR CONVEYANCES AND LEVY OF
PENALTY UNDER SECTION 130 OF THE DELHI GOODS AND SERVICES TAX
ACT, 2017 READ WITH THE RELEVANT PROVISIONS OF CENTRAL GOODS
AND SERVICES TAX ACT, 2017 / THE INTEGRATED GOODS AND SERVICES
TAX ACT, 2017 AND GOODS AND SERVICES TAX (COMPENSATION TO
STATES) ACT, 2017

The conveyance bearing No. _____ was intercepted by _____ (Designation
of the proper officer) on _____ (date) at _____ (time) at _____ (place). The
statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of subsection (3) of section 68
of the Delhi Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the
Central Goods and Services Tax Act / Section 21 of the Union Territory Goods and Services
Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-
section (3) of section 68 of the Central Goods and Services Tax Act on _____ (date) and the
following discrepancies were noticed.

(i)

(ii)

(iii)

3. In view of the above, the goods and conveyances used for the movement of goods were
detained under sub-section (1) of section 129 of the Delhi Goods and Services Tax Act,
2017 read with subsection (3) of section 68 of the Central Goods and Services Tax Act or
under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of
section 68 of the Central Goods and Services Tax Act by issuing an order of detention in
FORM GST MOV 06 and the same was served on the person in charge of the conveyance
on _____ (date). Along with the order of detention in **FORM GST MOV 06**, a notice was
issued in **FORM GST MOV 07** under the provisions of sub-section (3) of section 129 of the
Delhi Goods and Services Tax Act, 2017, specifying the tax and penalty payable in respect of
the goods in question.

4. Subsequently, after observing the principles of natural justice, an order demanding the
applicable tax and penalty was issued in **FORM GST MOV-09** on _____ (Date) and the
same was served on the person in charge of the conveyance. However, neither the owner of
the goods nor the person in charge of the conveyance came forward to make the payment of
applicable tax and penalty within the time allowed in the order passed supra.

5. In view of this, the undersigned proposes to confiscate the above goods and the
conveyance used to transport such goods under the provisions of section 130 of the Delhi

Goods and Services Tax Act, 2017 read with Central Goods and Services Tax Act / section 21 of the Union Territory Goods and Services Tax Act or section 20 of the Integrated Goods and Services Tax Act, 2017/ Goods and Services Tax (Compensation to States) Act, 2017. In addition, you are liable to pay the tax, penalty and other charges payable in respect of such goods and the conveyance.

OR

As the goods were transported without any valid documents, it is presumed that the goods were being transported for the purposes of evading the taxes. In view of this, the undersigned proposes to confiscate the above goods and the conveyance used to transport such goods under the provisions of section 130 of the Delhi Goods and Services Tax Act, 2017 read with the relevant provisions of the Central Goods and Services Tax/Union Territory Goods and Services Tax Act, the Integrated Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, 2017. In addition, you are liable to pay the tax, penalty and other charges payable in respect of such goods and the conveyance.

6. The calculation of proposed tax and penalty is as under:

1) CALCULATION OF TAX

SL. NO	DESCRIPTION OF GOODS	HS N CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				TAX AMOUNT			
					CENTRAL TAX	STATE TAX/ UNION TERRITORY TAX	INTEGRATED TAX	CES	CENTRAL TAX	STATE TAX/ UNION TERRITORY TAX	INTEGRATED TAX	CES
1	2	3	4	5	6	7	8	9	10	11	12	13

2) CALCULATION OF PENALTY

SL. NO	DESCRIPTION OF GOODS	HS N CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					CENTRAL TAX	STATE TAX/ UNION TERRITORY TAX	INTEGRATED TAX	CES	CENTRAL TAX	STATE TAX/ UNION TERRITORY TAX	INTEGRATED TAX	CES
1	2	3	4	5	6	7	8	9	10	11	12	13

3) DETERMINATION OF FINE IN LIEU OF CONFISCATION OF GOODS

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	CENTRAL TAX	FINE AMOUNT		
						STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CES
1	2	3	4	5	6	7	8	9

4) CALCULATION OF FINE IN LIEU OF CONFISCATION OF CONVEYANCE

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX			FINE AMOUNT		
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CES	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX
1	2	3	4	5	6	7	8	9	10	11

7. You are hereby directed to show cause, within seven days from the receipt of this notice, as to why the goods in question and the conveyance used to transport such goods shall not be confiscated under the provisions of section 130 of the Delhi Goods and Services Tax Act or the Integrated Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, 2017 and why the tax, penalty and other charges payable in respect of such goods and the conveyance shall not be payable by you.

8. You are hereby directed to appear before the undersigned on DD/MM/YYYY at HH/MM.

9. If you fail to furnish a reply within the stipulated date or fail to appear for personal hearing on the appointed date and time, the case will be decided ex-parte on the basis of available records and on merits.

Signature
Name and Designation of the
Proper Officer

To,
Shri
Driver/Person-in-charge
Vehicle/Conveyance no:
Address:

**GOVERNMENT OF NCT OF DELHI
STATE TAX DEPARTMENT**

FORM GSTMOV -11

**ORDER OF CONFISCATION OF GOODS AND CONVEYANCE AND DEMAND OF
TAX, FINE AND PENALTY**

Order No. _____

Order Date: _____

1.	Conveyance No.	
2.	Person in charge of the Conveyance	
3.	Address of the Person in charge of the Conveyance	
4.	Mobile No. of the Person in charge of the conveyance	
5.	e-mail ID of the Person in charge of the conveyance	
6.	Name of the transporter	
7.	GSTIN of the transporter, if any	
8.	Date and Time of Inspection	
9.	Date of Service of Notice of Confiscation	
10.	Order passed by	
11.	Date of Service of Order	
12.	Demand as per Confiscation Order	

On the Goods

Act	Tax	Interest	Penalty	Fine/ Other charges	Demand No.
CGST Act					
SGST / UTGST Act					
IGST Act					
Cess					
Total					

On the Conveyance

Act	Tax	Interest	Penalty	Fine/ Other charges	Demand No.
CGST Act					
STATE TAX /					

UTGST Act					
IGST Act					
Cess					
Total					

DETAILS OF GOODS CONFISCATED

Sl.No.	Description of goods	HSN Code	Quantity	Value

DETAILS OF CONVEYANCE CONFISCATED

Sl.No.	Description	Detail
1.	Conveyance Registration No.	
2.	Vehicle Description	
3.	Engine No.	
4.	Chassis No.	
5.		

ORDER ENCLOSED

(Name and
designation of
Proper Officer)

ORDER OF CONFISCATION UNDER SECTION 130 OF THE DELHI GOODS AND SERVICES TAX ACT, 2017 READ WITH THE RELEVANT PROVISIONS OF THE CENTRAL GOODS AND SERVICES TAX ACT/ THE INTEGRATED GOODS AND SERVICES TAX ACT, 2017

The conveyance bearing No. _____ was intercepted by _____ (Name and Designation of the proper officer) on _____ (date) at _____ (time) at _____ (place). The statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of sub-section (3) of section 68 of the Delhi Goods and Services Tax Act, 2017 read with the relevant provisions of the Central Goods and Services Tax Act/the Integrated Goods and Services Tax Act, 2017 and Goods and Services Tax (Compensation to States) Act, 2017 on _____ (date) and the following discrepancies were noticed.

(i)

(ii)

(iii)

3. In view of the above, the goods and conveyances used for the movement of goods were detained under sub-section (1) of section 129 of the Delhi Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act by issuing an order of detention in FORM GST MOV 06 and the same was served on the person in charge of the conveyance on _____ (date). Along with the order of detention in FORM GST MOV 06, a notice was issued in FORM GSTMOV 07 under the provisions of sub-section (3) of section 129 of the Delhi Goods and Services Tax Act, specifying the tax and penalty payable.

4. Subsequently, after observing the principles of natural justice, an order demanding the applicable tax and penalty was issued in FORM GSTMOV-09 on _____ (Date) and the same was served on the person in charge of the conveyance. However, neither the owner of the goods nor the person in charge of the conveyance came forward to make the payment of applicable tax and penalty within the time allowed in the order passed supra. Hence, a notice in FORM GSTMOV-10 was issued on _____ (Date) proposing to confiscate the goods and the conveyance used for transporting such goods and the same was duly served on the person in charge of the conveyance. In the said notice, the tax, penalty and other charges payable in respect of such goods and the conveyance were also demanded.

OR

As the goods were transported without any valid documents, it was presumed that the goods were transported for the purposes of evading the taxes. Hence, it was proposed to confiscate the above goods and the conveyance used to transport such goods under the provisions of section 130 of the Delhi Goods and Services Tax Act, 2017 read with Central Goods and Services Tax Act / Section 21 of the UT Union Territory Goods and Services Tax Act or

section 20 of the Integrated Goods and Services Tax Act, 2017 and the Goods and Services Tax (Compensation to States) Act, 2017 by issue of a notice in FORM GST MOV-10. In the said notice, the tax, penalty and other charges payable in respect of such goods and the conveyance were also demanded.

5. The person in charge has not filed any objections/ the objections filed were found to be not acceptable for the reasons stated below;

- a) ...
- b) ...
- c) ...

6. In view of the above, the following goods and conveyance are confiscated by the undersigned by exercising the powers vested under section 130 of the Delhi Goods and Services Tax Act and under section 130 of the Central Goods and Services Tax Act / Section 21 of the Union Territory Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act which are listed as under:

SL.NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)
1	2	3	4	5

7. You are also informed that the above goods and conveyance shall be released on the payment of the following tax, penalty and fines in lieu of confiscation if the same is made within ---- days from the date of this order.

(1) CALCULATION OF TAX

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX			TAX AMOUNT		
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX
1	2	3	4	5	6	7	8	9	10	11

(2) CALCULATION OF PENALTY

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESSES	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESSES
1	2	3	4	5	6	7	8	9	10	11	12	13

(3) DETERMINATION OF FINE IN LIEU OF CONFISCATION OF GOODS

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	FINE AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESSES
1	2	3	4	5	6	7	8	9

(4) CALCULATION OF FINE IN LIEU OF CONFISCATION OF CONVEYANCE

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)	RATE OF TAX				FINE AMOUNT			
					CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESSES	CENTRAL TAX	STATE TAX / UNION TERRITORY TAX	INTEGRATED TAX	CESSES
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature
Name and Designation of the Proper Officer

To,
Shri _____
Driver/Person in charge
Vehicle/Conveyance no:
Address:

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF TRADE AND TAXES
POLICY (GST) Branch
VYAPAR BHAVAN: 1P ESTATE: NEW DELHI-02

F. No. 3(66)/Policy-GST/2017/ 103-107

Dated: 25/04/2018

Circular No. 13/2018-GST
(Ref: Central Circular No.42/16/2018-GST)

Sub: Clarification regarding procedure for recovery of arrears under the existing law and reversal of inadmissible input tax credit-reg.

Kind attention is invited to the provisions of the Delhi Goods and Services Tax Act, 2017 (hereinafter referred to as the DGST Act) relating to the recovery of arrears of value added tax and input tax credit thereof, input tax credit carried forward erroneously and recovery of arrears of other taxes leviable under the existing law and related interest, penalty or late fee payable arising as a result of the proceedings of assessment, appeal, revision, review and reference etc. initiated before, on or after the appointed date under the provisions of the existing law or due to revision of return under the existing law. In this regard, representations have been received seeking clarification on the procedure for recovery of such arrears in the GST regime.

2. The issues have been examined and to ensure uniformity in the implementation of the provisions of the law amongst all jurisdictional officers, the Commissioner, in exercise of its powers conferred under section 168 of the Delhi Goods and Services Tax Act, 2017, (hereinafter referred to as the "DGST Act") hereby specifies the procedure to be followed for recovery of arrears arising out of proceedings under the existing law.

3. Legal provisions relating to the recovery of arrears of value added tax and input tax credit thereof or of other taxes arising out of proceedings under the existing law (Delhi Value Added Tax Act, 2004, The Delhi Entertainment and Betting Tax Act 1996 and The Delhi Tax on Luxury Act, 1996)

i) Recovery of arrears of wrongly availed input tax credit:

In case any proceeding of appeal, revision, review or reference relating to recovery for input tax credit had been initiated, whether before, on or after the appointed day, under the existing law, any amount of such credit becomes recoverable, the same shall, unless recovered under the existing law, be recovered as an arrear of tax under the DGST Act [Section 142(6)(b) of the DGST Act refers].

ii) Recovery of input tax credit carried forward wrongly:

Input tax credit of value added tax availed under the existing law may be carried forward in terms of transitional provisions as per section 140 of the DGST Act subject to the conditions prescribed therein. Any credit which is not admissible in terms of section 140 of the DGST Act shall not be allowed to be transitioned on

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carried forward and the same shall be recovered as an arrear of tax under the DGST Act.

iii) Recovery of arrears of value added tax or and other taxes leviable under the existing law:

- a. Where in pursuance of an assessment or adjudication proceedings instituted, whether before, on or after the appointed day, under the existing law, any amount of tax, interest, fine or penalty becomes recoverable, the same shall, unless recovered under the existing law, be recovered as an arrear of tax under the DGST Act [Section 142(8)(a) of the DGST Act refers].
- b. If due to any proceedings of appeal, review or reference relating to output tax liability initiated, whether before, on or after the appointed day, under the existing law, any amount of output tax becomes recoverable, the same shall, unless recovered under the existing law, be recovered as an arrear of tax under the DGST Act [Section 142(7)(a) of the DGST Act refers].

iv) Recovery of arrears due to revision of return under the existing law: Where any return, furnished under the existing law, is revised after the appointed day and if, pursuant to such revision, any amount is found to be recoverable or any amount of input tax credit is found to be inadmissible, the same shall, unless recovered under the existing law, be recovered as an arrear of tax under the DGST Act [Section 142(9)(a) of the DGST Act refers].

4. In view of the above legal provisions, recovery of value added tax and input tax credit thereof arising out of the proceedings under the existing law or recovery of other taxes leviable under the existing law, unless recovered under the existing law, and that of inadmissible transitional credit, is required to be made as an arrear of tax under the DGST Act. The following procedure is hereby prescribed for recovery of arrears:

4.1 Recovery of value added tax or wrongly availed input tax credit thereof or and other taxes leviable under the existing law and inadmissible transitional credit:

- (a) The input tax credit of value added tax wrongly carried forward as transitional credit shall be recovered as State tax liability to be paid through the utilization of amounts available in the electronic credit ledger or electronic cash ledger of the registered person, and the same shall be recorded in Part II of the Electronic Liability Register (FORM GST PMT-01).
- (b) The arrears of value added tax, or wrongly availed input tax credit thereof and other taxes leviable under the existing law arising out of any of the situations discussed in para 2 above, shall, unless recovered under the existing law, be recovered as State tax liability to be paid through the utilization of amounts available in the electronic credit ledger or electronic cash ledger of the registered person, and the same shall be recorded in Part II of the Electronic Liability Register (FORM GST PMT-01).

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4.2 Recovery of interest, penalty and late fee payable:

(a) The arrears of interest, penalty and late fee in relation to input tax credit wrongly carried forward, arising out of any of the situations discussed in para 2 above, shall be recovered as interest, penalty and late fee of State tax to be paid through the utilization of the amount available in electronic cash ledger of the registered person and the same shall be recorded in Part II of the Electronic Liability Register (FORM GST PMT-01).

(b) The arrears of interest, penalty and late fee in relation to arrears of value added tax or wrongly availed input tax credit hereof and other taxes leviable under the existing law under the existing law arising out of any of the situations discussed in para 2 above, shall, unless recovered under the existing law, be recovered as interest, penalty and late fee of State tax to be paid through the utilization of the amount available in the electronic cash ledger of the registered person and the same shall be recorded in Part II of the Electronic Liability Register (FORM GST PMT-01).

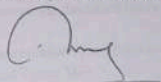
4.3 Payment of value added tax and entry tax on account of returns filed for the past period:

The registered person may file value added tax, and entry tax return for the period prior to 1st July, 2017 by logging onto www.dvat.gov.in and make payment relating to the same, as per the practice prevalent for the period prior to the introduction of GST.

4.4 Recovery of arrears from dealers under the existing law in cases where such dealers are not registered under the DCST Act, 2017:

Such arrears shall be recovered in cash, under the provisions of the existing law and the payment of the same shall be made as per the procedure mentioned in para 3.3 supra.

5. Difficulty, if any, in implementation of this circular may please be brought to the notice of the Commissioner.

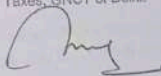


(H. RAJESH PRASAD)
COMMISSIONER, STATE TAX

F. No. 3(66)/Policy-GST/2017/ 103-107
Copy forwarded for information and necessary action to:

Dated: 25/04/2018

1. All Spl./Addl./Joint Commissioners, Department of Trade and Taxes, GNCT of Delhi.
2. Joint Director (IT), Department of Trade and Taxes, GNCT of Delhi.
3. The President/General Secretary, Sales Tax Bar Association (Regd.), Vyapar Bhawan, I.P. Estate, New Delhi.
4. All Assistant Commissioners/GSTOs, Deptt. of Trade and Taxes, GNCT of Delhi.
5. Guard File.



COMMISSIONER, STATE TAX

Handwritten: 25/4/18