

From the President's Desk

Dear Colleague,

Dated: 19.8.2015

Good evening friends, first of all I want to inform you that today, the Special Leave Petition filed by the Sales Tax Bar Association before the Supreme Court, against the action of VAT Department for passing thousands computerized default assessment orders for 2A&2B mismatch, was listed today for final argument. The same was argued by Shri S.Ganesh and Shri P.H.Parekh on behalf of the Sales Tax Bar Association at length. The Hon'ble court has made up their mind that the statute should grant an opportunity before default assessment creating demand against the assessee. Today Addl. Solicitor General Shri P.S.Patwalia appeared instead of Shri Tushar Mehta who once again sought adjournment to find out some solution agreeable to all. Previously also the Commissioner Vat had agreed to make provision for granting opportunity before making default assessment under the chairmanship of Shri Tushar Mehta, Addl. Solicitor General, but later on he refused to act upon. Now the matter is adjourned to 15.10.2015 at 2P.M. I want to convey my gratitude to Shri S.Ganesh and Shri P.H.Parekh and the sincere members of the BAR Shri Rajesh Jain, Shri Avadh Kaushik, Shri Virag Tiwari, Shri Kumarjee Bhatt and Shri Sanjay Sharma who assisted them continuously for all these years.

Friends, because of the above urgent work, I missed the study circle meeting today. Being president of the Petitioner Association, I had to be present there. On my return, I was happy to know that all of you have made the meeting very successful. Through this e-mail, once again, I am sending you the update on the steps being taken by me as the President of STBA on various issues/problems relating to D-VAT being faced by the members.

UPDATES- VOL.- 8

I, along with all the Office Bearers and the Members of Executive Committee, met the new Commissioner Vat Shri Vijay Kumar on 18.8.2015. I have submitted the representation to the Commissioner for considering the various important issues concerning cause of Bar and its members.

1. The Commissioner Vat has assured that a policy for "REFUND" is under preparation according to which Refunds of certain extent will be automatically issued and scrutiny will be done for the others. The department will come out with this scheme very shortly.
2. The Commissioner Vat has assured that the issue of ATR will be discussed with the officers.
3. The Commissioner Vat has expressed his helplessness regarding the inadequate staff in the wards like clerks, stenographers etc. But he assured that objection of 2A-2B mismatch for 2012-13 will be heard on daily basis. He assured that the advertisement in the Newspapers regarding 2A-2B mismatch for 2014-15 are to raise alerts for the dealers.
4. He also assured that he will look into the matter of rectifications to be allowed for small mistakes like wrong TIN NO./NAME/CATEGORY in 2A & 2B under CST Act for Asst. year 2013-14 as was allowed in 2012-13 for issuance of central statutory forms.

5. On raising objection regarding the slow speed of server the Commissioner Vat informed that previously the Department is having only 32 servers, now we will be having 7 more servers. So the speed of the server will be faster than before.

6. The Commissioner Vat has instructed his officers to resolve the problems in DP1 and to prepare the portal for all the four years in form 9 of 2014-15 very soon.

7. He also assured that a Canteen will be opened on ground floor probably with in period of 2 months.

8. The Commissioner Vat has informed that the department has took up the matter of Dispensary with the Health Minister, Govt. of NCT of Delhi and informed him that the Sales Tax Bar Association is pressing hard for opening of a dispensary in the building. The Minister has principally agreed for the same. It will be managed very soon. If it will take some time, the Com. Vat has assured to request the big private Hospitals like Apollo or Fortis to start their centers in the building.

Yours Sincerely,

(NEERA GUPTA)
President