

HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT
Notification

The 5th July, 2014

No. Web 6/H.A.6/2003/S.60/2014.- The following draft of the rules further to amend the Haryana Value Added Tax Rules, 2003, which the Governor of Haryana proposes to make in exercise of the powers conferred by sub-section (1) of section 60 of the Haryana Value Added Tax Act, 2003 (6 of 2003), is published below for the information of persons likely to be affected thereby.

Notice is hereby given that the draft of the rules shall be taken into consideration by the Government on or after the expiry of a period of ten days from the date of uploading of this notification on the official web-site www.haryanatax.com together with objections and suggestions, if any, which may be received by the Additional Chief Secretary to Government, Haryana, Excise and Taxation Department, Chandigarh, from any person with respect to the draft of the rules, before the expiry of the period so specified :-

Draft Amendment

1. These rules may be called the Haryana Value Added Tax (Third Amendment) Rules, 2014.
2. In the Haryana Value Added Tax Rules, 2003 (hereinafter called the said rules), in rule 2, in sub-rule(1), after clause (mmm), the following clause shall be inserted and shall be deemed to have been inserted with effect from 1st April, 2014, namely:-

“(mmmm) **‘Developer’** means a person who is engaged in and undertakes the construction of civil structures, flats, dwelling units, buildings, premises, complexes, commercial or otherwise, whether wholly or partly (either himself or through an authorized person) for sale and transfers them in pursuance of an agreement along with land or interest underlying the land to a buyer, where the value of land or interest underlying the land is included in the total consideration received or receivable;”

3. In the said rules, for rule 49, the following rule shall be substituted and shall be substituted with effect from the date of publication of this notification in the Official Gazette, namely:-

“49 LUMP SUM SCHEME IN RESPECT OF CONTRACTORS *OTHER THAN DEVELOPER (Section 9)*

(1) A contractor *other than developer falling under rule 49A* liable to pay tax under the Act, may, in respect of works contract awarded to him for execution in the State, pay in lieu of tax payable by him under the Act on the transfer of property (whether as goods or in some other form) involved in the execution of the contract, a lump sum calculated at *five* per cent of the total valuable consideration receivable for the execution of the contract, by making an application to

the appropriate assessing authority within thirty days of the award of the contract to him, containing the following particulars:

(1) Name of the applicant contractor;

(2) TIN;

(Append application for registration, if not registered or not applied for registration);

(3) Name of the contractee;

(4) Date of award of the contract;

(5) Place of execution of the contract;

(6) Total cost of the contract;

(7) Period of execution,

and appending therewith a copy of the contract or such part thereof as relates to total cost and payments.

(2) The application shall be signed by a person authorised to make an application for registration. On receipt of the application, the assessing authority shall, after satisfying itself that the contents of the application are correct, allow the same and such contractor whose application is allowed shall be called lump sum contractor.

(3) The lump sum contractor shall be liable to make payment of lump sum *monthly* calculated at *five* per cent of the payments received or receivable by him during the *month* for execution of the contract. The payment of lump sum so calculated shall be made within *twenty one* days following the close of the *month* after deducting therefrom the amount paid by the contractee on behalf of the contractor under section 24 for that *month*. The treasury receipt in proof of payment made and certificate(s) of tax deduction and payment obtained from the contractee shall be furnished with the quarterly return.

(4) The lump sum contractor shall file returns at quarterly intervals in Form VAT-R6 within a month of the close of the quarter and shall pay lump sum, if any, due from him according to such return after adjusting the amount paid under sub rule (3).

(5) The lump sum contractor shall be entitled to make purchase of goods for use in execution of the contract both on the authority of declaration in Central form C as well as Form VAT-D1 prescribed under clause (a) of sub-section (3) of section 7 and for this purpose he shall be deemed to be a manufacturer.

(6) The lump sum contractor shall maintain complete account of, declarations in Central form C and Form VAT-D1 used by him and, the utilization of the goods purchased on the authority of these forms. He shall be required to make use of declaration(s) in Form VAT-D3 for carrying goods of which he shall keep account. He shall also keep complete account of, payments receivable by him for the execution of the contract and, the payments actually received by him.

(7) A lump sum contractor shall have to pay lump sum in respect of every works contract awarded to him after the award of the contract in respect of which he first elected to pay lump

