

**HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT
Notification**

The 2nd April, 2010

No.Web 3/H.A. 6/2003/S.60/2010.- The following draft amendment 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) read with sub-section (3) of section 60 of the Haryana Value Added Tax Act, 2003 (Act 6 of 2003), is published below for the information of persons likely to be affected thereby.

Notice is hereby given that the draft amendment will 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 Financial Commissioner and Principal Secretary to Government, Haryana, Excise and Taxation Department, Chandigarh, from any person with respect to the draft amendment before the expiry of the period so specified :-

Draft Amendment

1. (1) These rules may be called the Haryana Value Added Tax (Amendment) Rules, 2010.

(2) They shall come into force with effect from date of publication of this notification in the Official Gazette.

2. In the Haryana Value Added Tax Rules, 2003, (hereinafter referred to as the said rules) in rule 11;-

(a) for the existing sub-rule (5), the following sub-rule (5), shall be substituted, namely:-

“(5) An application for registration under sub-section (2) of section 11 shall be made by the dealer to the appropriate assessing authority in Form VAT-A1 within a period of fifteen days from his becoming liable to pay tax under the Act, and he shall append the following documents to the application VAT A-1 or any other document / identification mark as directed by the Commissioner;

(i) Treasury receipt showing deposit of one hundred rupees in the appropriate Government treasury or the Court fee stamps worth one hundred rupees duly affixed on the application on account of registration fee;

(ii) Latest passport size photo(s) and identity proof of (a) proprietor in case of proprietorship, (b) all the partners, in case of partnership

firm, (c) Karta, in case of an Hindu Undivided Family, (d) Chairman, Secretary or an officer of the Society managing the business, in case of a Society, (e) Chairman, Managing Director, a Director or Principal Officer of the Company managing the business, in case of a Company, (f) Head of the Department or any other officer duly authorized in writing by him, in case of Government Department; and (g) a person managing the affairs of the Association of persons or Club duly authorized by the members of the Association of persons or the Club. Identity proof shall consist of existing voter ID card or passport or ration card with photographs or driving license or bank passbook with photo or any other document issued by the Government having photo ID;

- (iii) Photo of the front of the business premises which also depicts parts of the business premises on left and right sides to ascertain its proper location (photo should be signed by the applicant);
- (iv) Latest passport size photo(s) of the person(s) standing surety for the applicant, duly attested by a Gazetted Officer / Notary Public / Bank Manager;
- (v) Attested copy of Permanent Account Number issued by Income Tax Department of the business entity for which registration is applied for;
- (vi) Attested copy of Rent Deed of the business premises, if the same is taken on rent or attested copy of the title deed, if the business premises is self-owned by the proprietor / Hindu Undivided Family / firm / Company / Association of Persons etc. “;

(b) in sub-rule (7), for the sign ”.”, the sign “:’ shall be substituted;

(c) after sub-rule (7), the following proviso shall be inserted, namely:-

“Provided further that the assessing authority shall dispose of the application for registration in Form VAT-A1 within sixty days of the date of receipt of the said application in the office concerned.”.

3. In the said rules, in rule 20,-

(a) for the existing sub-rule (3), the following sub rule (3), shall be substituted: -

“(3) A VAT dealer making purchase of taxable goods from another VAT dealer in the State on payment of tax shall, in support of his claim of input tax in respect of such goods, produce before a taxing authority when so required by it, along with a tax invoice, a certificate in

Form VAT-C4 furnished to him by the selling VAT dealer who shall keep duplicate copy of such certificate with him to be produced before a taxing authority whenever the latter so requires and maintain a proper record of such certificates in a register, and the certificates shall be issued bearing printed Sr. No. in ascending order during the financial year.”

(b) for the existing sub-rule (4), the following sub-rule (4), shall be substituted :-

“(4) The liability of a selling VAT dealer to pay tax on sale of goods by him to other VAT dealer on tax invoice shall not abate if he fails to furnish a certificate or furnishes a false certificate referred to in the foregoing sub-rule to the purchasing VAT dealer and tax for this reason has been realised from the latter but if the selling VAT dealer later pays the tax due from him, the liability of the purchasing VAT dealer shall accordingly abate and he may, within three years of recovery of such dues, claim refund of tax paid by him.”.

4. In the said rules, in rule 25,-

(a) the existing provision shall be numbered as sub-rule (1); and
(b) after sub-rule (1) so renumbered, the following sub-rule shall be inserted, namely,-

“(2) (a) In case of turnover arising from the execution of the works contract or job work, the amount representing the taxable turnover shall exclude the charges towards labour, services and other like charges subject to the dealer’s maintaining proper records such as invoice, voucher, challan or any other document evidencing payment of charges to the satisfaction of the Taxing Authority.’

(b) For the purpose of charges towards labour services for execution of works shall include,-

- (i) charges for planning and architect’s fees;
- (ii) cost of consumables such as water, electricity, fuel, etc. used in the execution of the works contract the property in which is not transferred in the course of execution of a works contract;
- (iii) cost of establishment of the contractor to the extent it is relatable to supply of labour and services;
- (iv) other similar expenses relatable to supply of labour services;
- (v) profit earned by the contractor to the extent it is relatable to supply of labour and services subject to furnishing of a profit and loss account of the works sites:

PROVIDED that where the amount of charges towards labour, services and other like charges are not ascertainable from the books of accounts of the dealer or the dealer fails to produce documentary evidence in support of such charges, the amount of such charges shall be calculated at the percentages of valuable consideration specified in the Table given below:-

TABLE

PERCENTAGES FOR WORKS CONTRACTS OR JOB WORKS

Type of contract	Labour, service and other like charges as percentage of total value of the contract
1. Fabrication and installation of plant and machinery	Twenty five percent
2 Fabrication and erection of structural works of iron and steel including fabrication, supply and erection of iron trusses, purlins and the like.	Fifteen per cent
3 Fabrication and installation of cranes and hoists.	Fifteen percent
4 Fabrication and installation of elevators (lifts) and escalators.	Fifteen percent
5 Fabrication and installation of rolling shutters and collapsible gates.	Fifteen percent
6 Civil works like construction of buildings, bridges, roads, dams, barrages, canals and diversions.	Twenty five percent
7 Installation of doors, doorframes, windows, frames and grills.	Fifteen percent
8 Supply and fixing of tiles, slabs, stones and sheets.	Twenty percent
9 Supply and installation of air conditioners and air coolers.	Fifteen percent

10	Supply and installation of air conditioning equipment including deep freezers, cold storage plants, humidification plants and de-humidors.	Fifteen percent
11	Supply and fitting of electrical goods, supply and installation of electrical equipments including transformers.	Fifteen percent
12	Supply and fixing of furniture and fixtures, partitions including contracts for interior decoration and false ceiling.	Fifteen percent
13	Construction of Railway coaches and wagons on under carriages supplied by Railway.	Twenty percent
14	Construction or mounting of bodies of motor vehicle and construction of trailers.	Twenty percent
15	Sanitary fitting for plumbing and drainage or sewerage.	Twenty five percent
16	Laying underground surface pipelines, cables or conduits.	Thirty percent
17	Dyeing and printing of textiles.	Thirty percent
18	Supply and erection of weighing machines and weighbridges.	Fifteen percent
19	Painting, polishing and white washing.	Thirty percent
20	Tyre retreading	Forty percent
21	Photography and Printing Contracts	Thirty percent
22	Electroplating, Electro Galvanizing and Anodizing and the like	Forty percent
23	All other contracts not specified from Sr. No. 1 to 22 above.	Twenty percent

PROVIDED further that where the dealer claims deduction on account of labour, services and other like charges exceeding the percentages of valuable consideration (of total contract value) specified in the above Table, the assessing authority will have to record reasons in writing for accepting the claim of the dealer.”.

5. In the said rules, for existing form VAT C-4, the following from shall be substituted, namely:-

“FORM VAT C-4

Serial No.....

[See rule 20 (1), (2) and (3)]
CERTIFICATE

Certificate to be issued by a selling VAT dealer to a purchasing VAT dealer in respect of taxable goods for claim of input tax under sub-section (3) of section 8.

Certified that I/We..... (Name and complete address of the selling dealer) having Taxpayer Identification Number(TIN).....registered under the Haryana Value Added Tax Act, 2003 in District.....;(i) have paid the full amount of tax under the Haryana Value Added Tax Act, 2003 vide TR No..... Date...../ (ii) have adjusted the input tax paid to M/s (Name and complete address of the selling dealer) holding TIN..... on the goods sold to M/s(Name and complete address of the purchasing dealer) holding TIN..... as per tax invoice(s) stated below:-					
Sr. No.	Description of goods sold	Tax Invoice no.	Date	Taxable Amount	Amount of Tax
Total					
1.		Total taxable amount:-Rs.....			
2.		Total amount of tax:- Rs.....			
Place:.....					
Date:.....		Signature of the selling VAT dealer			
		Name.....			
		Status.....			
Stamp of the Dealer					
(office seal.)					
*Note: 1. Original copy to be issued by the selling dealer to the purchasing dealer					
2. Duplicate copy to be retained by the selling VAT dealer.					
3. Strike out whichever is not applicable.”					

Ramendra Jakhu,
 Financial Commissioner and Principal Secretary
 to Government, Haryana, Excise and Taxation Department.