

**GOVERNMENT OF WEST BENGAL
DIRECTORATE OF COMMERCIAL TAXES
14, BELIAGHATA ROAD, KOLKATA-700015**

**C I R C U L A R
06.06.2018**

Subject: Guidelines for post-assessment VAT Refunds

Guidelines have been issued from time to time in connection with post-assessment refunds. In earlier guidelines assessing officers were asked to propose refunds after ensuring that the dealer does not have any outstanding dues for any other period both under the State Act and the CST Act, 1956. It was also stated that in case there was any such dues, which is not covered by any order of stay in pending appeal or revision, the same should be deducted from the amount proposed to be refunded.

An order has been passed by the Hon'ble West Bengal Taxation Tribunal on 08.01.2018 in Case No. RN-2648 of 2017 [Bally Jute Co. Ltd. vs Appropriate Assessing Authority, Large Tax Payer Unit & Ors.] where it was held that *prima facie* adjustment of CST dues can not be done against excess amount paid under the WBVAT Act.

In view of the above assessing officers sending proposals for refunds should obtain a consent letter from the dealer to the effect that outstanding dues under the CST Act may be adjusted with the excess amount paid under the State Act or vice-versa. Similar consents may be obtained, if possible, for cases which are still pending and sent to CRU. In cases where the dealer does not give such consent and which are not covered by any order of stay in pending appeal or revision, the assessing officer should start recovery proceeding of outstanding dues immediately.

It is needless to say that the statutes allow adjustment of any outstanding dues for any other period under the same Act.

This is for all concerned to act upon immediately.

Sd/-
(Smaraki Mahapatra)
Commissioner,
Commercial Taxes, W.B.

Memo. No. 255CT/PRO
3C/PRO/2018

Date: 06.06.2018

Copy forwarded to the Additional Commissioner, Commercial Taxes/ ISD for information and for arranging uploading on the website of the Directorate for information of all concerned.

Sd/-
(Adesh Kumar)
Addl.CCT & PRO