

**OFFICE OF THE COMMISSIONER, VAT
DEPARTMENT OF TRADE AND TAXES
GOVERNMENT OF N.C.T. OF DELHI
VYAPAR BHAWAN, NEW DELHI**

No.31/CDVAT/2013/181

Dated:10-7-2013

M/s IRG Systems South Asia Pvt. Ltd.
2, Balbir Saxena Marg, Aadi Building,
L/G Floor, Hauz Khas, New Delhi-110016

ORDER

Present for the Applicant	:	Sh. Vivek Sehgal, Counsel
Present for the Department	:	Sh. T.C. Sharma, Departmental Representative

The above named applicant has filed an application under section 36A (2) of Delhi Value Added Tax Act, 2004 (hereinafter referred to as the "said Act") for issue of no deduction of TDS Certificate in respect of works contract awarded to it by Central Water Commission, Government of India, New Delhi for rendering the consultancy services in various projects conducted in different states.

2. The facts as stated in the application are as follows: -

- (a) That the applicant is engaged in management consultancy and at present specifically executing the project on 'Basin Wise Environment impact assessment study on Subansiri Sub basin' in Arunachal Pradesh.
 - (b) That the applicant has executed the above said work through the Memorandum of Understanding with Central Water Commission.
3. Sh. Vivek Sehgal, counsel for the applicant appeared and reiterated the grounds of application. He stated that the duties executed by the applicant through the aforesaid memorandum of

understanding between applicant and Central Water Commission, Government of India is of consultancy in nature and does not include any transfer of property. In spite of it, the contractee is insisting for deduction of TDS@ 2% (read as 4% w.e.f. 16.01.2013) from the amount to be received by the applicant. Further, in view of above he requested to issue a certificate for no deduction of TDS under section 36 A (2) of the DVAT Act, 2004.

4. The Departmental representative stated that the issue raised by the applicant is not covered under the purview of section 36A (2) of the DVAT Act, 2004.
5. I have heard the arguments put forth from both sides and have gone through the documents placed on record. Keeping in view the facts of the case, I agree with the viewpoint of the Departmental Representative and held that the issue raised by the applicant is not maintainable under section 36A (2) appended to the Delhi Value Added Tax Act, 2004, hence disposed of accordingly.

(Prashant Goyal)
Commissioner, VAT

Copy for information and necessary action to:

1. Applicant
2. Addl. Commissioner (System)
3. Value Added Tax Officer (Policy Branch)
4. Value Added Tax Officer (Ward-96)
5. Guard File

(Prashant Goyal)
Commissioner, VAT

