

MANUAL – 3

Procedure followed in Decision Making Process

[Section 4 (1) (b) (iii)]

- 4.1 In the department, the public authorities take decisions mainly on the following matters :
- a) Registering a person as a dealer under the DVAT Act 2004 and/or under the Central Sales Tax Act, 1956 on application from the dealer.
 - b) De-registering a registered dealer either on application from the dealer or suo-motto by the department.
 - c) Collection and Recovery of Value Added Tax, Sales Tax and the Central Sales Tax from the dealers.
 - d) Refunds to the dealer, of the tax amount collected in excess of the tax liability.
 - e) The receipt of returns of tax filed by the assessee.
 - f) The scrutiny of the returns of tax.
 - g) Accepting or rejecting the version filed by the dealer in his returns.
 - h) Assessing the tax liability of the dealer in cases where the return version is not found acceptable.
 - i) Imposition of penalty and levy of interest wherever applicable.
 - j) Conducting the audit of the business affairs of the persons (including dealers) wherever found appropriate.
 - k) Hearing of objections filed by the dealers against the decisions of the public authorities under the Value Added Tax and Central Sales Tax for transaction after 31.3.2005.
 - l) Assessment of tax, penalty and interest leviable under the Delhi Sales Tax Act, 1975, the Delhi Sales Tax on Works Contract Act, 1999 and the Delhi Sales Tax on Right to use Goods Act 2002, for the transactions/turnover of the dealer for the period prior to 1.4.2005.
 - m) Hearing of appeals filed by the dealers before the first Appellate Authorities in respect of the transactions covered under the Central Sales Tax Act 1956, Delhi Sales Tax Act 1975, Delhi Sales Tax on Works Contract 1999 and Delhi Sales Tax on Right to use Goods Act 2002.
 - n) Determination of Disputed Questions under DST Act 1975 and the CST Act 1956 for transaction pertaining to the period prior to 1.4.2005.
 - o) Determination of specific questions under the DVAT Act 2004 and the CST Act 1956 for transaction pertaining to the period after 31.3.2005.
 - p) Ruling on general questions involving the interpretation of the VAT Act 2005 or application of the Act to a class of persons or class of transactions.
- 4.2 The decisions are taken by public authorities in quasi-judicial capacity and the procedures, criteria and Rules are documented/defined and laid down in the following :
- a) The Delhi Value Added Tax Act, 2004

- b) The Delhi Value Added Tax Rules, 2005
- c) The Code of Civil Procedure, 1908
- d) The Delhi Land Reforms Act, 1954
- e) The Circulars, orders and Notifications issued by the Commissioner Value Added Tax from time to time.
- f) The Central Sales Tax Act, 1956 and the Rules framed thereunder.
- g) The Delhi Sales Tax Act, 1975 and the Rules framed thereunder and the circulars, notifications and orders issued thereunder in respect of transaction prior to 1.4.2005.
- h) The Delhi Sales Tax on Works Contract Act, 1999 and the rules framed thereunder and the circulars, notifications and orders issued thereunder in respect of transaction prior to 1.4.2005.
- i) The Delhi Sales Tax on Right to use Goods Act, 2002 and the rules framed thereunder and the circulars, notifications and orders issued thereunder in respect of transactions prior to 1.4.2005.

4.3 Arrangements to communicate the decision to the public :

The decisions are communicated to the public in the following ways stipulated in Delhi Value Added Tax Rules 2005.

- i) by delivering or tendering to the addressee or his agent, or to a person regularly employed by him in connection with the business in respect of which he is registered or to any adult member of his family, a copy of the notice, summons or order or
- ii) by post or
- iii) By affixing a copy of the notice, summons or order upon some conspicuous part of any place of the dealer's business last notified by the dealer or if the said place of business is known not to exist or is not traceable, upon some conspicuous part of the last known place of residence of its proprietor or partner or trustee or manager or authorised signatory or any other person authorised to receive notice on behalf of the dealer or
- iv) If the addressee is not a dealer, by affixing a copy of the notice, summons or orders on some conspicuous part of his residence or office or the building in which his residence or office is located.

4.4 The public authorities in the department are quasi-judicial authorities and are mandated to take decisions themselves. However in a few matters, the opinion of the following officers may be sought to arrive at a decision:

- a) Officers of the Law & Judicial Branch of the department.
- b) Officers of the Audit Wing of the department.

4.5 Each public authority in the department is the final decision making authority on the matter allotted or delegated to him/her. However in the cases requiring filing of F.I.R's by the department, the Commissioner is the final authority that vets the decision.

4.6

Sr. No.	1
Subject on which the decision is to be taken	Registration under DVAT Act 2004 and CST Act 1956 Amendment and cancellation of Registration Certificate
Guidelines/Directions, if any	Section 18, 19, 20, 21,22 and 23 of the DVAT Act, 2004; Rules 11,12,13,14,15,16 and 17 of DVAT Rules, 2005; and Rules 3,4,5,6,7,8,9 and 10 of the Central Sales Tax (Registration & Turnover) Rules, 1957; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Value Added Tax Officers/Assistant Value Added Tax Officers
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	2
Subject on which the decision is to be taken	Collection and Recovery of Tax
Guidelines/Directions, if any	Rules 31, 32, 33, 37, 38 and 39 of the DVAT Rules, 2005; Section 9 of the CST Act 1956; Delhi Land Reforms Act 1954; Delhi Land Reforms Rule 1954; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005 And in the Delhi Land Reforms Act 1954
Designation of the officers involved in decision making	Special/Additional Commissioner (Operations) Collector of Recovery Value Added Tax Officers/Assistant Value Added Tax Officers Assistant Collector of Recovery
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	3
Subject on which the decision is to be taken	Refunds
Guidelines/Directions, if any	Section 38, 39 and 40 of the DVAT Act, 2004; Rules 34 and 35 of DVAT Rules, 2005; and Section 30 and 31 of DST Act, 1975; Rule 29 of DST Rules 1975; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005 And in Rule 46 of DST Act 1975.
Designation of the officers involved in decision making	Special/Additional Commissioner (Operations) VAT Joint/Deputy Commissioner VAT Assistant Commissioner VAT Value Added Tax Officers/Assistant Value Added Tax Officers STO/ASTO
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	4
Subject on which the decision is to be taken	Receipt of Returns and Revised Returns of VAT and CST
Guidelines/Directions, if any	Section 26, 27, 28 and 29 of the DVAT Act, 2004; Rules 26,27,28,29 and 31 of DVAT Rules, 2005; Rules 3 of Central Sales Tax (Delhi) Rules, 2005; Circulars, Notification and orders issued thereunder.
Process of Execution	Receipts in the department as decided administratively by the department
Designation of the officers involved in decision making	Special/Addl. Commissioner (Tax Payer Service) Addl. Commissioner(Operations) JC/DC(Tax Payer Service) JC/DC(Operations) Value Added Tax Officers/Assistant Value Added Tax Officers
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	5
Subject on which the decision is to be taken	Scrutiny of Returns and Default Assessment
Guidelines/Directions, if any	Section 32, 33 and 34 of the DVAT Act, 2004; Rules 36 of DVAT Rules, 2005; Section 9 of the Central Sales Tax Act, 1956; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Value Added Tax Officers/Assistant Value Added Tax Officers
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	6
Subject on which the decision is to be taken	Audit and special audit
Guidelines/Directions, if any	Section 58 and 58A of the DVAT Act, 2004; Rules 46 of DVAT Rules, 2005; Circulars, Notification and orders issued thereunder.
Process of Execution	Rule 46 and 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Special/Addl. Commissioner VAT (Audit) JC/DC VAT (Audit) Value Added Tax Officers/Assistant Value Added Tax Officers (Audit)
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Objection Hearing Authority, Department of Trade & Taxes, Govt. of NCT of Delhi

Sr. No.	7
Subject on which the decision is to be taken	Hearing of objections filed by the dealer against the decisions of authorities under DVAT Act and under the CST Act, 1956 for transactions pertaining to period after 31.3.2005.
Guidelines/Directions, if any	Section 74 and 75 of the DVAT Act, 2004; Rules 51, 52, 53, 54, 55, 56 and 57 of DVAT Rules, 2005; and Section 9 of the CST Act 1956; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 54 and 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Special/Addl. Commissioner Jt. /Dy. Commissioner Value Added Tax Officers/Assistant Value Added Tax Officers
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Appellate Tribunal Value Added Tax, Govt. of NCT of Delhi

Sr. No.	8
Subject on which the decision is to be taken	Assessment of tax, interest, penalty leviable under the DST Act, 1975, the Delhi Sales Tax on Works Contract Act 1999, Delhi Sales Tax on Right to use Goods Act 2002 and CST Act 1956 for transaction prior to 1/4/2005
Guidelines/Directions, if any	Section 23, 24, 27, 55, 56 and 57 of DST Act, 1975; Section 9,10, 18 and 20 of the Delhi Sales Tax on Right to use Goods Act 2002; Section 16 of DST on Works Contract Act 1999; Section 9 of CST Act 1956; Rules 25 and 26 of DST Act 1975; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 46 of the DST Rules, 1975
Designation of the officers involved in decision making	STO ASTO
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Special/Addl. Commissioner Sales Tax Deputy Commissioner Sales Tax Asstt. Commissioner Sales Tax, Govt. of NCT of Delhi

Sr. No.	9
Subject on which the decision is to be taken	Hearing of appeals, Revision and Review against the orders of Registration, Cancellation, Amendment, Assessment, Penalty etc. passed under the DST Act 1975, DSTWC Act 1999, DST Right to Use Goods Act 2002 and CST Act 1956 in respect of transaction prior to 1.4.2005
Guidelines/Directions, if any	Section 43, 46, 47 of DST Act 1975; Rule 35, 36, 37, 38, 39, 40 and 41 of DST Rules 1975; Section 20 of DST on Right to Use Goods Act 2002; Section 16 of DST on WC Act 1999; Circulars, Notification and orders issued thereunder.
Process of Execution	Rule 46 of DST Rules 1975
Designation of the officers involved in decision making	Commissioner, Sales Tax Special/Addl. Commissioner Sales Tax Deputy Commissioner Sales Tax Assistant Commissioner Sales Tax
Contact information of above mentioned officers	Office of the Commissioner, Sales Tax Department of Trade & Taxes Govt. of NCT of Delhi, I. P. Estate New Delhi
If not satisfied by the decision, where and how to appeal	Sales Tax Appellate Tribunal Govt. of NCT of Delhi

Sr. No.	10
Subject on which the decision is to be taken	Determination of Disputed Question under DST Act 1975 and CST Act 1956 pertaining to transaction prior to 1.4.2005
Guidelines/Directions, if any	Section 49 of DST Act 1975; Rule 42 of DST Rule 1975; Section 9 of CST Act 1956; Circulars, Notification and orders issued thereunder.
Process of Execution	Rule 46 of the DST Rule 1975
Designation of the officers involved in decision making	Commissioner Sales Tax Govt. of NCT of Delhi
Contact information of above mentioned officers	Office of the Commissioner, Sales Tax Department of Trade & Taxes Govt. of NCT of Delhi, I. P. Estate New Delhi
If not satisfied by the decision, where and how to appeal	Hon'ble High Court of Delhi

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Sr. No.	11
Subject on which the decision is to be taken	Determination of specific questions
Guidelines/Directions, if any	Section 84 of the DVAT Act, 2004; Rules 58 of DVAT Rules, 2005; and Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Commissioner VAT Special/Additional Commissioner VAT
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	Hon'ble High Court of Delhi

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Sr. No.	12
Subject on which the decision is to be taken	Ruling on general questions
Guidelines/Directions, if any	Section 85 of the DVAT Act, 2004; Circulars, Notification and orders issued thereunder.
Process of Execution	As laid down in Rule 62 of the DVAT Rules, 2005
Designation of the officers involved in decision making	Commissioner VAT
Contact information of above mentioned officers	Office of the Commissioner, VAT, Department of Trade and Taxes, Govt. of NCT of Delhi, I. P. Estate, New Delhi
If not satisfied by the decision, where and how to appeal	N.A.
