

Composition Scheme for Bullion and Sarafa Dealers - 2004

RAJASTHAN

India

Composition Scheme for Bullion and Sarafa Dealers - 2004

Rule

COMPOSITION-SCHEME-FOR-BULLION-AND-SARAFI-DEALERS-2004 of 2004

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Composition Scheme for Bullion and Sarafa Dealers - 2004Published vide Notification No. F.4(67) FD/Tax/2004-43, dated 12-7-2004, published in Rajasthan Gazette Extraordinary part 4-C, dated 12-7-2004, page 185S.O. 83. - In exercise of the powers conferred by section 5 of the Rajasthan Sales Tax Act, 1994 (Rajasthan Act No. 22 of 1995) and in supersession of this Department's notification No. F.4(4) FD / Tax Div./ 99-227, dated May 7, 1999, the State Government hereby notifies the "Composition Scheme for Bullion and Sarafa Trade", and permit registered dealers to opt for the Scheme.

1.

0. Date of Commencement.

- This scheme shall come into force with effect from April 1, 2004.2.0Applicability.- This scheme shall be, applicable to the registered dealers under the Act, dealing in bullion, articles, ornaments and jewellery made of gold and silver or other precious metals. However, dealers with cases of avoidance or evasion of tax pending against them would not be eligible for composition of tax under this scheme.3.0Composition Amount.- 3.1 The composition amount to be paid per annum per dealer in lieu of tax shall be determined as per the following Table:-

| S. No. | Turnover during the relevant year | Composition Amount |
|--------|---|--------------------|
| 1. | Up to Rs. 1 lac | Nil |
| 2. | More than Rs. 1 lac and up to Rs. 15 lac | Rs. 6000/- |
| 3. | More than Rs. 15 lac and up to Rs. 25 lac | Rs. 10,000/- |

| | | |
|-----|---|-----------------|
| 4. | More than Rs. 25 lac and up to Rs. 50 lac | Rs. 15,000/- |
| 5. | More than Rs. 50 lac and up to Rs. 1 crore | Rs. 25,000/- |
| 6. | More than Rs. 1 crore and up to Rs. 2 crore | Rs. 40,000/- |
| 7. | More than Rs. 2 crore and up to Rs. 5 crore | Rs. 80,000/- |
| 8. | More than Rs. 5 crore and up to Rs. 7 crore | Rs. 1,00,000/- |
| 9. | More than Rs. 7 crore and up to Rs. 10 crore | Rs. 1,50,000/- |
| 10. | More than Rs. 10 crore and up to Rs. 25 crore | Rs. 2,00,000/- |
| 11. | More than Rs. 25 crore and up to Rs. 50 crore | Rs. 3,00,000/- |
| 12. | More than Rs. 50 crore and up to Rs. 100 crore | Rs. 6,00,000/- |
| 13. | More than Rs. 100 crore and up to Rs. 250 crore | Rs. 15,00,000/- |
| 14. | More than Rs. 250 crore and up to Rs. 500 crore | Rs. 25,00,000/- |
| 15. | More than Rs. 500 crore and up to Rs. 1000 crore | Rs. 40,00,000/- |
| 16. | More than Rs. 1000 crore and up to Rs. 2000 crore | Rs. 80,00,000/- |
| 17. | More than Rs. 2000 crore and up to Rs. 3000 crore | Rs. 100 lac |
| 18. | More than Rs. 3000 crore and up to Rs. 5000 crore | Rs. 200 lac |
| 19. | More than Rs. 5000 crore | Rs. 300 lac |

3.2 Notwithstanding anything contained in clause 3.1, for the year 2004-2005 if the composition amount under this Scheme is less than the composition amount payable by the applicant dealer under the earlier composition scheme dated May 7, 1999, the composition amount under this scheme would be determined according to the earlier scheme.

3.3 The composition amount for the year 2005-2006 and thereafter, would be determined by an increase of 10% in the composition amount of the immediately preceding year. However, if the applicant dealer is covered in the higher tax slab in the year, his composition amount would be higher of these two amounts.

3.4 If the dealer has deposited the composition amount under the old scheme (dated 07.05.1999) in the financial year 2004-2005, the amount so paid shall be adjusted against the composition amount payable under this scheme.

3.5 In case the composition amount of the dealer opting for composition is Rs. 1 crore or more, he shall have to make an advance deposit of Rs. 25 lac in cash and Rs. 50 lac in the form of bank guarantee as security along with post dated cheques of all installments for the financial year, at the time of opting for the Scheme.

4.0 Manner of payment of Composition Amount.-

4.1 Where the annual composition amount is Rs. 6 lac or less, it shall be paid in four quarterly installments. The installment for the period April 1 to June 30, shall be paid by 7th April; for the period July to September 30 by 7th July; for the period October 1 to December 31 by 7th October; and for the quarter January 1 to 31 March by the 7th January. The difference, if any, as per the actual turnover of whole of the year shall be calculated and the balance of the composition amount, if any, shall be deposited or refunded by April 30th of the immediately succeeding year.

4.3 For the composition period of the years 2004-2005, the installments of the composition amount already fallen due shall be deposited within 30 days of the publication of this notification in the Official Gazette and the tax, if any, collected/charged prior to the issuance of the scheme against the composition certificate is less than or equivalent to the amount of installments due till date such tax shall be adjusted against due installments. However, if it is in excess of the amount of installments due, it shall stand forfeited in favour of the State Government, and the remaining installments shall

have to be paid by the dealer in accordance with the scheme.

5.0 Composition Certificate.- 5.1 A registered dealer opting for this Scheme shall submit an application on a plain paper, to his assessing authority within thirty days of the commencement of the year stating therein the name, address, status, registration numbers, gross annual turnover of immediately preceding year, tax paid in the immediately preceding year and such other information as may be relevant for the implementation of this scheme. However, for the year 2004-2005, such application may be submitted within thirty days of the date of publication of this notification.

5.2 On receipt of the application the assessing authority shall issue the composition certificate in Form CS-2004 appended to this notification and it will remain in force till the registered dealer withdraws from the Scheme or the Scheme is rescinded by the State Government.

6.0 Assessment.- The dealer would be required to file his annual turnover details along with the copy of the challan in support of the payment of composition amount within sixty days of the close of the relevant year. Except in cases of late deposit or short deposit of the composition amount, no separate assessment order would be required to be issued for the dealers opting for the Scheme.

7.0 Conditions.- 7.1 The dealer opting for composition of tax under this scheme shall be subject to all the provisions of the Rajasthan Sales Tax Act, 1994 and rules made thereunder, and the terms and conditions contained in this Notification.

7.2 The dealer shall not charge or collect any tax from a purchaser on the sale of goods during the composition period.

7.3 The dealer shall not be entitled to claim any deduction, set-off, partial exemption or refund in respect of purchases made by him.

7.4 Once the dealer has exercised his option for the Composition Scheme, the dealer during the composition period shall not be entitled to opt out of the scheme for a part of a financial year. If any dealer wishes to opt out of the scheme in the subsequent years, he shall have to inform the assessing authority of his intention of doing so 30 days prior to the 1st day of April of such subsequent financial year.

7.5 If any dealer voluntarily withdraws from the scheme for part of a year, he shall be required to deposit all the remaining installments of the annual composition amount at once.

7.6 The composition amount shall be recoverable as arrears of tax under the Act, 1994.

7.7 The State Government may review the scheme and if substantial number of registered dealers of the State do not opt for it or on being satisfied that it will not be in the public interest to continue the scheme, the State Government shall have power to revoke the scheme forthwith or from such date as it may notify.

7.8 The State Government may review the scheme at any time and may amend, any or all the provisions of the scheme as it may deem fit. On such amendment, the dealer shall pay the revised composition amount and any other charges from the beginning of the calendar month following the month in which such amendment takes place.

7.9 The Government may, however, at any time during the operative period of the scheme, withdraw the scheme by notifying in the Official Gazette.

Form CS-2004 Composition Certificate under "Composition Scheme for Bullion and Sarafa Dealers - 2004"

Book No. Circle:

Serial No. Ward:

Under the "Composition Scheme for Bullion/Sarafa Dealers -2004", I hereby permit M/s..... (address)..... R.C. No. to deposit composition amount in lieu of tax on the purchase and sale of bullion & articles, ornaments and jewellery made of gold or silver or other precious metals, in accordance with the provision of the said scheme. The monthly / quarterly installments are to be paid in accordance with the Scheme. This certificate remains valid till it is withdrawn or the scheme is revoked.

Place : Signature

Dated : Designation