

(18)

GOVERNMENT OF NAGALAND
FINANCE DEPARTMENT
(REVENUE BRANCH)

* * *

NOTIFICATION

Dated Kohima the 18th February 2009.

F. No. FIN/REV-3/VAT/20/05: In exercise of the powers conferred by sub-section (I) of section 96 of the Nagaland Value Added Tax Act, 2005 (Nagaland Act No. 4 of 2005), the Governor of Nagaland is pleased to make the following amendments to the Nagaland Value Added Tax Rules, 2005, namely:-

1. In Rule 48, after subrule (6), the following shall be inserted, namely:-

“(7) Grant of certificate of deduction of tax at source or no deduction of tax. –

(a) An application for grant of certificate of deduction of tax at source for a lower amount or an application for no deduction of tax under clause (ii) of sub-section (3) of section 92 shall be made by the contractor in Form VAT-38 to the Prescribed Authority having jurisdiction over the dealer.

(b) The application shall be accompanied by copies of the contract and other documents, on the basis of which the claim is made for deduction of tax at source for a lower amount or for no deduction of tax, as the case may be.

(c) If the Prescribed Authority, after making such enquiry as may be deemed necessary, is satisfied that the particulars and documents furnished by the dealer are correct and complete in all respects, he shall, after giving the applicant a reasonable opportunity of being heard, grant a certificate in Form VAT-39 within a period of one month from the date of receipt of the application and shall forward a copy of such certificate to the contractee for whom the work is executed. If it comes to the notice of the Prescribed Authority that the certificate is wrongly granted or is not in order, then he may on his own motion, cancel or modify such certificate, after giving the dealer a reasonable opportunity of being heard.

(8) Information to be given to the Prescribed Authority in case of execution of works Contract –

The information to be furnished to the Prescribed Authority by any person entering into any contract with any contractor for transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract, shall be in Form VAT-40.

Note / Circulate
revenue

(9) No deduction of tax or a deduction of tax of a lower amount under sub-section (3) of section 92 shall be made in case of supply of goods where such sale is certified by the Prescribed Authority as being not liable to tax or liable to tax at a lower amount. Such certificate shall invariable be embodied in each bill to be presented for payment.

(10) Tax deduction account number. –

(a) Every person responsible for making deduction of tax under section (3) of section 92 shall apply to the Prescribed Authority for allotment of a Sales Tax deduction Account Number in Form VAT-41 within thirty days time from the date of commencement of these rules, if he was so responsible on such date and within fifteen days time from the date of entering into any contract relating to supply of goods or execution of works contract, or for transfer of the right to use any goods, if he becomes responsible for such deductions after the date of commencement of such rule.

(b) A Tax Deduction Account Number shall be issued in Form VAT-42.

(c) Every person responsible for issuing certificate in Form VAT-33 shall maintain for each year separate account in Form VAT-43 showing the amount of tax deducted, certificate of tax deduction issued, and the particulars of remittances made against such deduction.

2. In the VAT Forms, after Form VAT-37, the following forms shall be inserted, namely:-

(i).

**“THE NAGALAND VALUE ADDED TAX RULES, 2005
FORM VAT-38**

[See Rule 48(7) (a)]

**APPLICATION FOR GRANT OF A CERTIFICATE UNDER CLAUSE (ii)
(a) OF SUB-SECTION (3) OF SECTION 92, FOR NO DEDUCTION OF
TAX OR DEDUCTION OF TAX ON A LOWER AMOUNT.**

To,

The Prescribed Authority,

.....

I,(name of Proprietor/Partner/
Director/Manager, Secretary, Officer-in-Charge) of M/s., who
is undertaking the activity of execution of works Contract holding a certificate of
registration, bearing TIN. under the Nagaland Value Added Tax Act,

1. Name and full address of the contractor who has been awarded the contract:
2. Place where the Contract is to be executed:
3. Period involved for completion of contract:
4. The number, date, name and description of the works contract and the date of commencement of the contract (certified true copy of contract to be filed with application):
5. Whether the contract is, -
 - (i) indivisible
 - (ii) divisible contract of supply and labour
 - (iii) purely of labour or service
6. Total turnover of the contract under reference.
7. Material component to be supplied by the Contractor and value thereof as per contract (in Rs.):
8. The value of the labour and service component as per the contract (in Rs):
9. Probable tax liability (in Rs.) with computation (in Rs.):
10. No tax liability with reasons:.....

I solemnly declare that the above information is correct to the best of my knowledge and belief.

Date: _____ Name and Signature of the applicant (Contractor)

Place: _____ Authorized person and full address with official seal.”.

(ii). After Form VAT-38, the following shall be inserted, namely:-

AT SOURCE OR NO DEDUCTION, AS THE CASE MAY BE.

Office address:

Certificate No:

Date:

1. Application in Form VAT-38 has been received from M/s
(Address).....on (date).....

2. On verification of the documents furnished by the applicant, I am satisfied that
the contract No..... dated..... relating to.....
(nature of the works contract).

+ (i) is an indivisible Works Contract.

+ (ii) a divisible Works Contract of supply and labour

+ (iii) is purely of labour and/or service.

Therefore, I certify that on the amount payable towards the said contract:-

(a) No tax is deductible at source.

(b) The amount of tax deductible at source is Rs.....

3. That nothing in the said certificate shall affect the tax liability of the dealer
under the Act

Seal

Signature

Place:

Name

Date:

Seal of the Prescribed Authority.”.

(iii). After Form VAT-39, the following shall be inserted, namely:-

**“THE NAGALAND VALUE ADDED TAX RULES, 2005
FORM VAT-40
[See Rule 48(8)]
FORM OF PARTICULARS TO BE SUBMITTED BY THE
CONTRACTEE**

To,

.....
.....

Sir,

(70)

(Name of the contractor/supplier/lessor); and

Whereas, I/We furnish hereunder the following particulars relating to the said contract:-

1. Particulars of the Contractor/Supplier/lessor:

- (i) Full name and address (in block letters).....
- (ii) Taxpayer Identification Number (TIN).....

2. Date of the contract:

3. Break up value of the works contract involving transfer of property in goods:

Particulars	Materials component	Labour & services component	Total
Amount			

4. Place where the contract is to be executed:

5. Date by which the contract is under taken to be completed.....

6. Description of the works to be carried out:

7. Details of the goods to be supplied by the contractee as free issue:

- (i) Description of goods:
- (ii) Value of:

I/We further declare that as stated above, I/We..... have entered in a works contract involving transfer of property in goods (whether as goods or in some other form).

I/We further declare that to the best of my/our knowledge and belief, the information furnished above is correct, complete and is truly stated and nothing has been concealed.

Place:

Signature

Date:

(Seal of the Contractee)''.

(iv). After Form VAT-40, the following shall be inserted, namely:-

**“THE NAGALAND VALUE ADDED TAX RULES, 2005
FORM VAT-41
[See Rule 48(10) (a)]
FORM OF APPLICATION FOR ALLOTMENT OF
TAX DEDUCTION ACCOUNT NUMBER**

To

.....
.....

Sir,

Whereas I/We am/are responsible to deduct tax in accordance with section 92 of the Nagaland Value Added Tax Act, 2005;

And whereas the tax deduction account number has to be allotted to me/us; I/We hereby requested that a tax deduction account number be allotted to me/us; I/We give below the necessary particular:-

1. Name of the office:
2. Designation of the Drawing and Disbursing Officer:
3. Address:
4. Nature of transaction against which payment is made: Works contract/Supply/Lease

VERIFICATION

I/We _____ in my/our capacity as _____
_____ do hereby declare that what is stated
above is true to the best of my/our knowledge and belief.

Place:

Signature

Date:

Name

Designation and seal.”.

(v). After Form VAT-41, the following shall be inserted, namely:-

(71)

[See Rule 48(10) (b)]
**TAX DEDUCTION ACCOUNT NUMBER (TAN) CERTIFICATE UNDER
NAGALAND VALUE ADDED TAX ACT, 2005**

1.	Full Name of Person responsible for deduction of tax:	
2.	Address.	Building Name/Number
		Area/Road
		Locality/Market
		Telephone No. Pin Code
3.	Tax deduction Account number Allotted.	
4.	Date of issue.	
Signature and Seal of the Prescribed Authority		
	Name	
	Designation	
	Date	

Note: One TAN shall be applicable for each Unit/Office of person responsible for deduction of tax.”.

(vi). After Form VAT-42, the following shall be inserted, namely:-

**“THE NAGALAND VALUE ADDED TAX RULES, 2005
FORM VAT-43**

[See Rule 48(10) (c)]

**REGISTER TO BE MAINTAINED BY THE PERSON RESPONSIBLE
FOR DEDUCTION OF TAX AT SOURCE.**

Sl No.	Particulars
1.	Date of issue of certificate
2.	Sl. No. of certificate issued
3.	Name and address of the person/dealer/contractor to whom certificate is issued

4.	TIN of the person/dealer/contractor	
5.	Bill no., date and amount	
6.	Amount already disbursed	
7.	Amount of tax deduction	
8.	T.V. No. & date	
	Name & address of the Treasury	
9.	Authority through which bill was passed	
10.	Name & address of the Bank in which TDS was deposited	

Date of entry in the register:

Signature

Name:

Designation:

The above amendments shall come into force from the date of issue of this notification.

Toshi Aier

Principal Secretary & Finance Commissioner.

F. No. FIN REV-3/VAL/20/05

Dated 18th February 2009.

Copy to:

1. The Special Secretary to the Governor, Raj Bhavan, Kohima.
2. The Additional Chief Secretary to the Chief Minister, Nagaland.
3. The Speaker and Deputy Speaker, Nagaland Legislative Assembly.
4. P.S. to all Ministers, Nagaland.
5. Sr. P.S. to the Chief Secretary, Nagaland, Kohima.
6. All Additional Chief Secretaries, Nagaland, Kohima.
7. All Principal Secretaries, Commissioners and Secretaries, Secretaries and Additional Secretaries to the Government of Nagaland.
8. The Commissioner, Nagaland, Kohima.
9. The Commissioner of Taxes, Dimapur, for information and necessary action.
10. All the Deputy Commissioners and Additional Deputy Commissioners.
11. The Editor, Nagaland Gazette, Kohima, for publication in the next issue.
12. The Director, Information and Public Relations, for wide publicity.
13. Guard File.

(Toshi Aier)

Principal Secretary & Finance Commissioner.