

CHAPTER-II: REGISTRATION

3. Registration of Dealer: -

- (i) Every dealer, who held a valid certificate of registration under the Repealed Act, and whose liability to pay tax continues under the Repealed Act as well as under the Act, shall furnish particulars of the business, in Form JVAT 100 including information as contained in Annexure-I, II & III; along with two copies of recent passport size photographs, to the Registering Authority, within two months of coming into force of these rules without any fee, and within a further period of thirty days, with a late fee of one hundred rupees, failing which, he shall cease to be a dealer registered under the Act from the next day, following the expiry of the said period (s).
- (ii) Every dealer, whose application for registration under the Repealed Act, was pending for decision before its Repeal, shall furnish particulars of his business, in Form JVAT 100 along with two copies of his recent passport size photographs, to the Registering Authority, within thirty days of coming into force of these Rules, without any fee and within a further period of thirty days with a late fee of fifty rupees, failing which, he shall be deemed to have failed to apply for registration under the Act.
- (iii) Such applications shall be signed, as the applicant, by the proprietor of the business; or in the case of a firm, by the partner authorised to act on behalf of the firm; or in the case of the business of an undivided Hindu family, by the Karta of the family; or in the case of a company incorporated under the Indian Companies Act, 1956 (1 of 1956) or a Corporation constituted under any law, by the Principal Officer or the Chief Executive Officer thereof; or in the case of a society, club or association of persons or a Department of Government or local authority, by the Principal Executive officer, or officer-in-charge thereof.
- (iv) Where the Registering Authority is satisfied, if necessary after making an enquiry, that the information furnished to him in application in Form JVAT 100 including the information as contained in Annexure-I, II & III; is complete and correct and that the dealer is genuine, he shall issue to the dealer a Certificate of registration under the Act in Form JVAT 106 within fifteen days and grant him a registration number, which shall bear a unique number, to be known as "Taxpayer's Identification Number" or "TIN", which shall be valid from the Appointed Day, and where the Registering Authority finds otherwise, after giving a reasonable opportunity of being heard to the applicant, he shall by order in writing specifying reason(s) thereof, reject the application. The order of rejection shall take effect, in case of a dealer, who held certificate of registration under the Repealed Act, from the date of the order, and in other cases from the Appointed Day without prejudice to the decision that may be taken on his application under the Repealed Act.
- (v) An application for registration under sub-section (2) of Section 25, and sub-section (1) of Section 26, shall be made in Form JVAT 101, including the information, as contained in Annexure-I, II & III annexed to Form JVAT 100, to the Registering Authority, in whose area the principal place of the business of the dealer is located, along with two copies of his recent passport size photographs and shall also furnish such photographs once in every five years. The Registering Authority shall issue a receipt for the application of registration.
- (vi) Such an application shall be presented by a dealer within thirty days from the date of his becoming liable for payment of tax under the Act and shall be-
 - (a) Signed, as the applicant, by the proprietor of the business; or in the case of a firm, by the partner authorised to act on behalf of the firm; or in the case of the business of an undivided Hindu family, by the Karta or in the case of a company incorporated under the Indian Companies Act, 1956 (1 of 1956) or a Corporation constituted under any law, by the Principal Officer or the Chief Executive Officer thereof; or in the case of a society, club or association of persons or a Department of Government or local authority, by the Principal Executive Officer, or officer-in-charge thereof, and
 - (b) Verified in the manner prescribed in the said Form.
 - (c) Where the Registering Authority is satisfied, that the information furnished to him in application in Form JVAT 101 is complete, true and correct, and that the dealer is genuine, he shall subject to Rule 5, issue to the dealer a Registration Certificate in Form JVAT 106 within five days from the date of filing of such application, and allot him a registration number which shall bear a unique number, to be known as "Taxpayer's Identification Number" or "TIN". The Registering Authority thereafter may conduct an enquiry within forty five days from the date of issue of such registration certificate, and if

upon enquiry anything otherwise than the application in Form JVAT 101 along with the annexures and security furnished thereof are found, the registering authority subject to sub-rule (vii) of this Rule, may revoke or cancel such Registration Certificate.

- (vii) Where the Registering Authority is not satisfied with the information furnished by the applicant and has reasons to believe that the applicant does not meet the requirements for registration as dealer, he shall provide an opportunity specifying the reasons for refusal before passing any order for refusal to issue registration certificate.
- (viii) The Registering Authority shall enter the name and style of the business, the date of commencement of liability and the name and address of the applicant; and
- (ix) The full information contained in the application for registration mentioned in sub rule (v) shall be entered in the computer/register within four days of the receipt of such application.
- (x)
 - (a) Notwithstanding anything contained in sub-rule (i), (ii) & (v), in case of such dealers, who have more places or additional places or branches, of business than one, situated in different circles in the state, or in the case of a dealer having no fixed place of business in the state, and who sells goods, either directly or through his agents or salesmen or otherwise in his behalf and who opts for consolidated registration for the purpose of the Act, in one circle in the state shall declare his principal place of business thereof, and apply before the commissioner or before the officer specially authorised in this behalf, for a permission for obtaining registration in any of the Circles or sub-circles in the State, within thirty days of becoming liable to pay tax under the Act, and the Commissioner or the Officer authorized in this behalf, shall dispose of such application, within thirty days from the date of filing of the said application. After obtaining such permission from the Commissioner or the Officer specially authorised in this behalf, and where the Dealer has been granted permission to get himself registered in any of the circle, as specified in such permission, he shall apply in that respective Circle or sub-circle for getting himself registered for such Principal place of business, including that of Principal place of business and branches, and additional places thereof; and the provisions of the Act and these Rules shall apply accordingly.
Provided every such dealer, who held a valid consolidated certificate of registration or consolidated assessment/return permission, under the Repealed Act, and whose liability to pay tax continues under the Repealed Act, as well as under the Act who opts for consolidated registration for the purpose of the Act, in one circle in the state, shall apply under this sub-rule, after declaring his principal place of business thereof, and shall apply before the Commissioner in Form JVAT 100, and in the case of a dealer liable to pay tax under the Act, after declaring his principal place of business, shall apply before the Commissioner in Form JVAT 101.
 - (b) Where such permission for registration in the specified circle or sub-circle is granted to a dealer having places of business in different circles or sub-circles, and additional copy of the registration Certificate in Form JVAT 106 shall be issued to the dealer for each of such place of business.
 - (c) The Commissioner or the Officer specially authorized in this behalf, on a request made for such permission may give a hearing to the dealer before passing any order under the rules.
 - (d) Nothing in such order passed in sub-rule shall be deemed to divest the prescribed authorities of the circle or sub-circle, in which the dealer sales goods of their powers and function conferred upon under section 70 of the Act, in respect of such dealer.
- (xi) Every registered dealer shall declare the name of his Business Manager(s) in Form JVAT 113, along with two Passport size photograph of such business Manager(s). In the case of a dealer, registered under the Repealed Act, he shall submit such Declaration with in a period of ninety days of the commencement of these Rules.
- (xii) Such declaration shall be signed by: -
 - a. Proprietor, in case of Proprietorship concern
 - b. Managing Partner, in case of Partnership firm and where there is no Managing Partner, by any other Partner
 - c. Managing Director or authorized signatory, in case of a Company
 - d. Karta, in case of Hindu Undivided Family
 - e. Authorised Signatory, in all other cases.

- (xiii) In case of a change of Business Manager, such Dealer shall inform the Prescribed Authorities within fifteen days from the date of such change, and shall file a new declaration in Form JVAT113.
- (xiv) The Business Manager(s) declared shall deemed to be authorised to receive notice and other documents under this Act, and all act done by the Business Manager(s) in business shall deemed to be done by the dealer and the dealer shall be responsible for all Act, done by his Business Manager(s) in the course of business.

4. Registration of Presumptive Tax and Dealers opting for Composition of Tax: -

- (i) If a registered dealer intends to exercise his option to pay tax in accordance with the provisions of Section 22 of the Act, he shall make an Application in Form JVAT 103, including the information, as contained in Annexure-I, II & III annexed to Form JVAT 100, to the Registering Authority, in whose area the dealer is located, along with two copies of his recent passport size photographs and shall also furnish such photographs once in every five years. The Registering Authority shall issue a receipt for the application of registration.
- (ii) Such an application shall be presented by a dealer within thirty days from the date of his becoming liable for payment of tax under the Act and shall be-
 - (a) Signed, as the applicant, by the proprietor of the business; or in the case of a firm, by the partner authorised to Act on behalf of the firm; or in the case of the business of an undivided Hindu family, by the Karta of the family; or in the case of a company incorporated under the Indian Companies Act, 1956 (1 of 1956) or a Corporation constituted under any law, by the managing director or the principal executive officer thereof; or in the case of a society, club or association of persons or a department of Government or local authority, by the principal executive officer, or officer-in-charge thereof, and
 - (b) Verified in the manner prescribed in the said Form:
 - (c) Where the Registering Authority is satisfied, if necessary after making an enquiry, that the information furnished to him in Application in Form JVAT 103 is complete and correct, and that the dealer is genuine, he shall, subject to the Rule 5, issue to the dealer a certificate of registration under the Act in Form JVAT 108, and grant him a registration number, within thirty days from the date of filing of such application, which shall bear a unique number, to be known as "Taxpayer's Identification Number" or "TIN".
- (iii) If a registered dealer intends to exercise his option to pay tax in accordance with the provisions of sub-section (1) of Section 58, he shall subject to rule 5 make an application to the Registering Authority in Form JVAT 103 for permission to do so, within sixty days from the beginning of the year in respect of which the option is exercised.
- (iv) If the concerned Registering Authority, after making such enquiry or scrutiny as such authority may deem it necessary, is satisfied that the application is in order and fulfills conditions laid down in sub-section (1) of Section 58, he shall, subject to Rule 5, issue a Certificate in Form JVAT 108 within fifteen days from the date of receipt of the application to the applicant dealer for making payment at compounded rate. The applicant dealer shall be informed even if his application is rejected. While granting the permission, his turnover of sales in the preceding year shall be considered for making a registered dealer eligible to make payment under sub-section (1) of Section 58.
- (v) Such Dealers, who have been granted registration under this rule as registered retailers to pay Presumptive Tax or Composition Scheme Tax, shall not be authorized to issue "Tax Invoice" under Section 60(2)(a) of the Act.

5. Security: -

- (1) Where the Registering Authority is of the opinion that a dealer who is liable to pay tax should furnish security for the proper payment of tax payable by him, the said authority may direct him to furnish, within such reasonable time not exceeding four days or earlier, as may be fixed by the said authority, security for an amount which, in the opinion of the said authority will be equivalent to the tax estimated by the said authority as being payable by the dealer for one quarter. In making such estimate the said authority may take into account the gross turnover if any, of the dealer during the preceding year, its trend at the time the estimate is made, the nature of the goods dealt in by him and such other factors as may, in the opinion of the said authority, assist in making a proper estimate. Where, for any reasons, no such estimate is possible the said authority may fix such amount, as may be deem just and proper.

- (2) Such security may, subject to satisfaction of the Registering Authority, be furnished by the dealer, in any of the following ways, namely—
 - (a) by depositing with the said authority Government securities for the amount fixed by the said authority; or
 - (b) by depositing such amount in cash, in a Government Treasury; or
 - (c) by depositing such amount into the different schemes of the Post Office and pledging the such Certificates of deposit and depositing the same with the said authority; or
 - (d) by furnishing two Sureties, who are registered dealers and are regularly abiding the provisions of the Repealed Act as well as under the Act, and are acceptable to the said authority, by executing a security bond for such amount in Form JVAT 115; or
 - (e) by furnishing to the said authority a guarantee from a Nationalized Bank approved in this behalf by the said authority, agreeing to pay to the State Government, on demand the amount of security fixed by the said authority.
- (3) At any time, the said authority may to his satisfaction, increase or reduce the amount of security furnished in this behalf.

6. Certificate of Registration

- (1) The certificate of VAT registration shall be displayed in a conspicuous place at the place of business, mentioned in such certificate and a copy of such certificate shall be displayed in a conspicuous place at every other place or places of business within the State.
- (2) No certificate of registration issued, shall be transferable.
- (3) Where the certificate of registration issued is lost, destroyed, defaced or mutilated a duplicate certificate shall be obtained from the Registering Authority on payment prescribed fee.

Provided where the registration certificate granted under these rules is lost, or destroyed or becomes illegible, or have been defaced, the dealer shall forthwith apply to the Registering Authority, for the grant of a duplicate copy of such certificate. The said authority shall, after such verification as may be necessary and after obtaining an Affidavit, in case of loss or destruction, issue to the dealer a copy of the original certificate, after stamping and marking in "Red Colour" thereon the words, "Duplicate Copy".

7. Amendment of Registration Certificate: -

- (1) A dealer registered under Section 25 or 26 of the Act, shall inform the Registering Authority in writing within thirty days in the Prescribed Form.
 - (a) of any change in the name, address, of the place of business or branches or discontinuation of the business; or
 - (b) of a change in circumstances of the dealer which leads to cessation of business; or
 - (c) of a change in business activities or in the nature of taxable sales being made or principal commodities traded; or
 - (d) of any changes in the constitution or status of business; or
 - (e) of a change in bank account details.
- (2)
 - (a) Where a dealer intends to change his place of business from the jurisdiction of one authority to the jurisdiction of another authority in the State, he shall make an application on Form JVAT 110 with full particulars relating to the change of address and the reasons for such change, to the authority prescribed.
 - (b) The authority prescribed receiving an application on Form JVAT 110 for a change of place of business shall, on approval of the application, remove such registration from the existing registration records. The registration file and the application shall be transferred to the authority prescribed in whose jurisdiction the proposed new place of business is sought to be established.
 - (c) The change in a place of business and a change in business activities shall not in itself, result in cancellation and fresh registration of a VAT dealer.

8. Procedure for cancellation of VAT Registration.

- (1) Where a VAT dealer ceases to carry on his business, the dealer or his legal representative shall apply before the Registering Authority for cancellation of registration within thirty days of the closure of business.
- (2) Subject to sub-rule (3), a VAT dealer may apply in writing on Form JVAT 105 to have his VAT registration cancelled if,

- (a) With respect to the preceding period of three consecutive years, the taxable turnover did not exceed specified quantum as specified in sub-section (5) of Section 8 of the Act.
- (3) In the case of a VAT dealer making taxable sales, and who is registered under sub-section (3) of Section 25 of the Act, an application under sub-rule (2) of this rule shall only be made, after the expiry of twenty-four months from the date of registration.
- (4) Every VAT dealer whose registration is cancelled under this rule shall pay back input tax credit availed in respect of all taxable goods on hand on the date of cancellation. In the case of capital goods on hand on which input tax credit has been received, the input tax to be paid back, which shall be based on the book value, of such taxable goods and capital goods on that date.
- (5) In respect of transfer of a business to another VAT dealer, there shall be no requirement to repay the input tax credit availed on capital goods and other goods, which shall be deemed to have been transferred to such another VAT Dealer.
- (6) The Registering Authority may cancel the registration of a VAT dealer who has applied for cancellation under sub-rule (1) or sub-rule (2) of this rule if it is satisfied that there are valid reasons for such cancellation of registration. The cancellation shall be intimated in Form JVAT 111.
- (7) The authority prescribed may cancel the registration of a VAT dealer who has not applied for cancellation of registration if the authority prescribed is satisfied that the dealer is not entitled for registration under Section 25 or Section 26 of the Act or found to be not complying with the provisions of the Act.
- (8) The Registering Authority shall intimate a VAT dealer when refusing to cancel the registration of the dealer under this rule within fourteen days of receipt of Form JVAT 105.
- (9) The authority prescribed shall issue a notice on Form JVAT 112 to a VAT dealer before compulsory cancellation of the registration.
- (10) The authority prescribed may cancel the registration of a VAT dealer registered under sub-section (5) of Section 25 of the Act, where the VAT dealer—
 - a. has not kept proper accounting records relating to any business activity carried on by him; or
 - b. has not submitted correct and complete tax returns; or
 - c. not complying the provisions of the Act and Rules.
- (11) The cancellation of registration takes effect from the end of the tax period, in which the registration is cancelled unless the authority prescribed orders the cancellation to take effect from an earlier date.
- (12) The cancellation of a registration of any VAT dealer does not affect any liability under the Act or any requirement to comply with the provisions of the Act and the Rules until the date of cancellation of registration.
- (13) Wherever any order of cancellation or refusal to cancel an application is made, the VAT dealer shall be given an opportunity of being heard.
- (14) Every VAT dealer, applying for cancellation in Form JVAT 105, shall surrender all the unused prescribed Forms, which have been authenticated by the prescribed authorities.

9. Suspension of Registration Certificate

- (1) Where a dealer to whom a certificate of registration has been granted and has failed to pay the tax payable or interest payable or penalty payable under this Act; or
- (2) Where a dealer to whom a certificate of registration has been granted and has failed to furnish the monthly return as prescribed in rule 14 of this Rule; or
- (3) Where a dealer to whom a certificate of registration has been granted and has committed any other offence(s) as specified in sub-section (7) of Section 25.
- (4) The Registering Authority may suspend the registration certificate of such dealer.
- (5) Where the registration of any dealer has been suspended, such dealer shall be immediately intimated the fact of suspension of registration with a direction, by notice in Form VAT 306, to produce records, documents and evidence as specified in sub-section (7) of Section 25, on such date, time and place as may be mentioned in the said notice.

- (6) Where the certificate of registration suspended, is restored in accordance with sub-section (8) of Section 25, the restoration shall take effect from the date mentioned in the order restoring the certificate of registration.
- Explanation – Every VAT dealer, whose certificate of registration is suspended, shall surrender forthwith all the unused prescribed Forms, which have been authenticated by the Prescribed Authorities.
- (7) Where the certificate of registration suspended, is cancelled in accordance with the provision of sub-section (9) of Section 25, the cancellation shall take effect from the date mentioned in the order of such cancellation.
- (8) In all cases, where the certificate of registration is suspended, restored or cancelled, the registering authority, shall display the fact in the office notice board or may publish such facts in Newspaper or by other means.

10. Voluntary Registration

- (1) A VAT dealer registered under sub-section (1) of section 26 of the Act, shall fulfill the following requirements:
- a. the dealer shall be making taxable sales.
 - b. the dealer shall have a prominent place of business owned or leased or rented in his name.
 - c. the dealer shall have a bank account.
 - d. the dealer shall not have any tax arrears outstanding under the Repealed Acts or CST Act 1956.
- (2) A dealer registered under sub-section (1) of Section 26 of the Act shall:
- a. maintain the full records and accounts required for VAT
 - b. file accurate and timely VAT returns and pay any tax due.
 - c. remain registered for thirty six months from effective date of registration.
- (3) Where VAT dealer registered under sub-section (1) of section 26 of the Act fails to file tax returns and fails to pay any tax due within the prescribed time and his taxable turnover remains under the limits Prescribed in Rule, the Registering authority shall cancel such registration after giving the VAT dealer the opportunity of being heard.

11. Start up Business

- (1) A dealer intending to set up a factory to manufacture taxable goods, and who anticipate making first taxable sales within the next three years, and applying for VAT registration, shall be treated as a start up business.
- (2) A dealer referred to in sub-rule (1) shall make an application in Form JVAT 102, within thirty days of such intention to set up a factory to manufacture taxable goods: including the information, as contained in Annexure-I annexed to Form JVAT 100, for registration before the Joint Commissioner of Commercial Taxes (Administration).
- (3) A dealer applying for registration as a start-up business under clause (lii) of Section 2 of the Act may apply to be registered only for a period of thirty-six months prior to making taxable sales.
- (4) A dealer registered as a start up business under clause (lii) of Section 2 of the Act may claim a tax credit on each tax return for a period of thirty-six months prior to making taxable sales. The input tax claimed must be in respect of tax paid on inputs relating to prospective taxable business activities.
- (5) A dealer registered as a start up business under clause (lii) of Section 2 of the Act shall abide by all the duties and obligations of a VAT dealer including the proper keeping of books of accounts and regular filing of returns.
- (6) The Joint Commissioner of Commercial Taxes (Administration) shall, after such enquiry or verification to his satisfaction shall issue a registration certificate in Form JVAT 107 within thirty days from the date of such application.
- (7) A dealer shall cease to be registered under the provisions of clause (lii) of Section 2 of the Act and become registered under the provisions of sub-section 1 of Section 25 of the Act, when that dealer makes a taxable sale in the course of business.

- (8) A dealer shall cease to be registered under the provisions of clause (lii) of Section 2 of the Act at the end of a thirty-six months period from the date of registration if no taxable sale has been made. In this case, the registration will be cancelled under the provision of Rules.

12. Declaration of Opening Stock

- (1) Every dealer holding stock of any goods, as on the Appointed Day with the commencement of the Act, shall furnish to the prescribed authority, the details of such stock in Form JVAT 114 within such time as prescribed under sub-rule (1) of rule 26.
- (2) Such dealer holding stock of any goods, whether for resale or to consume such stock in the manufacture of taxable goods or for directly use in Mining, shall declare his closing stock, which have been purchased under the Repealed Act and taxes has been paid under the Repealed Act from 01.04.2005 to Appointed day and shall be valued, exclusive of tax paid under the Repealed Act. Such stocks shall be the value of stock, and the amount of tax paid from 01.04.2005 to Appointed day, shall be shown separately.
- (3) If a dealer required to furnish the declaration in Form JVAT 114 fails to furnish the details of opening stock as required under sub-rule (1), he shall not be entitled to input tax credit on the opening stock under Section 20 of the Act.