

## CHAPTER-II: SALES TAX/VALUE ADDED TAX

### 2.1 Tax administration

The Assam Value Added Tax (AVAT) Act, 2003 was introduced from 1 May 2005 repealing the Assam General Sales Tax Act, 1993. Administration of AVAT has been vested with the Finance (Taxation) Department. The Commissioner of Taxes, Assam has been authorised to collect AVAT for the State.

### 2.2 Analysis of budget preparation

As per the provision of the Assam Budget Manual, the estimates of revenue and receipts should show the amount expected to be actually realised within the year and those only including arrears for previous years and advance collections for coming year. In estimating fixed revenue, the calculations should be based upon the actual demand including arrears due for past years and the probabilities of its realisation during the year. According to the provision of Assam Financial Rules, the Finance Department is required to prepare the estimates of revenue on obtaining necessary information/data from the respective Department/Government.

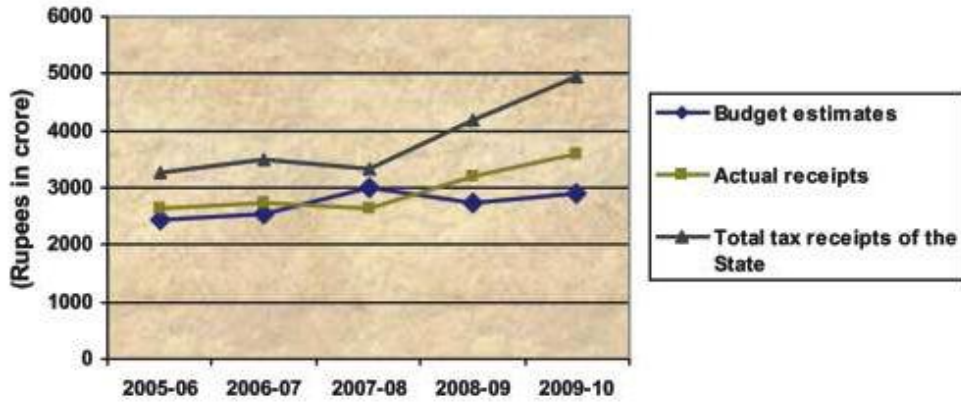
We found that the budget estimates of the Finance (Taxation) Department were prepared taking actual collection of the last seven months of the previous year and provisional collection of the first five months of the current financial year into account. Besides, growth over actual receipts of the previous year as well as expected realisation of tax due to adoption of certain measures for augmentation of revenue was also taken into consideration. This indicated that the provisions of the Budget Manual were not considered by the Department/Government while preparing the estimates of revenue.

### 2.3 Trend of receipts

Actual receipts from tax on sales, trade etc. during the period 2005-06 to 2009-10 along with total tax receipts during the same period is exhibited in the following table and graph.

(₹ in crore)

Year	Budget estimates	Actual receipts (Taxes on Sales, Trade etc.)	Variation excess (+) shortfall (-)	Percentage of variation	Total tax receipts of the State	Percentage of actual VAT receipts vis-à-vis total tax receipts
2005-06	2,425.86	2,568.41	142.59	6	3,232.21	79
2006-07	2,734.71	2,783.24	48.53	2	3,483.32	80
2007-08	3,129.51	2,691.43	(-) 438.08	(-) 14	3,359.50	80
2008-09	2,820.69	3,110.58	289.89	10	4,150.21	75
2009-10	2,900.00	3,535.26	635.26	22	4,986.72	71



It would be seen from the above table and the line graph that there was increasing trend in the collection of revenue over the budget estimates except during 2007-08. The collection of revenue increased between two and 22 per cent during the last five years except in 2007-08 when there was a 14 per cent shortfall in collection.



The share of tax on sales, trade etc. receipts, which was around 80 per cent of the total tax receipts of the State between 2005-06 and 2007-08, fell to 75 per cent and 71 per cent in 2008-09 and 2009-10 respectively.

## 2.4 Analysis of arrears of revenue

The arrears of revenue as on 31 March 2010 amounted to ₹ 1,777.89 crore of which ₹ 505.76 crore was outstanding for more than five years. The following table depicts the position of arrears of revenue during the period 2005-06 to 2009-10.

(₹ in crore)				
Year	Opening balance of arrears	Amount added during the year	Amount collected during the year	Closing balance of arrears
2005-06	670.85	16.27	34.83	652.29
2006-07	652.29	56.24	26.82	681.71
2007-08	681.71	9.60	53.19	638.12
2008-09	638.12	51.88	22.77	667.23
2009-10	667.23	1221.91	111.25	1,777.89

The department stated that the arrears of revenue had increased drastically in 2009-10 due to non-realisation of taxes in respect of assessments made under

CST Act, 1956, Assam Taxation on Specified Land Act, 1990 and Assam Entry Tax Act, 2008 following the stay orders of Gauhati High Court and the Supreme Court. As a result of the judgement passed by the High Court, the provision of the Assam Entry Tax Act, 2005 was not in force upto 12 April 2008. This jeopardized completion of assessment and collection of revenue. However, after enactment of the new Assam Entry Tax Act, 2008, huge number of assessments were completed and demand raised during 2009-10 leading to accumulation of huge arrears. The Supreme Court observed that Assam Specified Land Act, 1990 is also applicable in case of crude oil and natural gas. Hence, the Department assessed and raised demands during 2009-10 leading to accumulation of huge arrears of revenue.

## 2.5 Assessee profile

The total number of assesseees under the AVAT Act during the year 2009-10 was 1,06,925. The Department/Commissionerate did not maintain records classifying dealers as large tax payers and small dealers separately. The Department/Commissionerate also did not ascertain the number of dealers required to file return and number of returns received during the year.

## 2.6 Cost of revenue per assessee

The cost of revenue on taxes on sales tax, trades etc. per assessee for the years 2005-06 to 2009-10 ranged between ₹ 2.27 lakh to ₹ 3.47 lakh as shown below:

(₹ in crore)			
Year	Number of assesseees	Revenue collected	Revenue per assessee
2005-06	83,772	2,568.41	0.03
2006-07	1,02,197	2,783.24	0.03
2007-08	1,18,279	2,691.43	0.02
2008-09	89,630	3,110.58	0.03
2009-10	1,06,925	3,535.26	0.03

## 2.7 Arrears in assessment

The details of pending assessment cases at the beginning of the year, cases becoming due for assessment during the year, cases finalised during the year and number of cases pending as of March 2010 as furnished by the Department are mentioned in the following table:

(In number)					
Name of Acts	Opening balance as on 1 April 2009	Cases added for assessment during 2009-10	Total assessment due during the year 2009-10	Cases disposed during 2009-10	Balance as on 31 March 2010
Sales Tax (AGST/VAT/CST)	7,099	11,129	18,228	7,209	11,019
APTC&ET <sup>1</sup> , 1947	38,854	42,486	81,340	51,223	30,117
Entry Tax	830	1,556	2,386	620	1,766

<sup>1</sup> Assam Professional, Trades, Callings and Employment Taxation.

Luxury (Hotel & Lodging), 1989	355	470	825	533	292
Electricity duty	1,312	586	1,898	433	1,465
Specified Land	730	642	1,372	635	737
Luxury Tax, 1997	5	7	12	8	4
Agriculture Income Tax	1,541	605	2,146	920	1,226
<b>Total</b>	<b>50,726</b>	<b>57,481</b>	<b>1,08,207</b>	<b>61,581</b>	<b>46,626</b>

Thus, the Department could complete assessment of only 57 per cent of the total cases due for assessment during 2009-10.

## 2.8 Cost of collection

The gross collection of Sales Tax/VAT, expenditure incurred on collection and the percentage of such expenditure to gross collection during the years 2005-06 to 2008-09 along with the relevant all India average percentage of expenditure on collection to gross collections are mentioned below:

Year	Gross collection	Expenditure on collection	Percentage of expenditure to gross collection	All India average percentage of expenditure on collection
2005-06	2,568.41	19.00	0.74	0.91
2006-07	2,783.24	34.93	1.26	0.82
2007-08	2,691.43	23.29	0.87	0.83
2008-09	3,110.58	39.49	1.27	0.88

Thus, percentage of expenditure on gross collection in respect of the last three years was higher than the all India average cost of collection.

**The Government needs to take appropriate steps to bring down the cost of collection.**

## 2.9 Impact of audit

During 2004-05 to 2008-09, we through our inspection reports (IRs) had pointed out non/short levy, non/short realisation, underassessment/loss of revenue, incorrect exemption, concealment/suppression of turnover, application of incorrect rate of tax, incorrect computation etc., with revenue implication of ₹ 366 crore in 1,111 paragraphs. Of these, the DDOs/department had accepted audit observation in 100 paragraphs involving ₹ 6.14 crore and had since recovered ₹ 1.02 crore. The details are shown in the table below:

Year of Inspection Report	No. of units audited	Amount objected		Amount accepted		Amount recovered	
		No. of cases	Amount	No. of cases	Amount	No. of cases	Amount
2004-05	118	214	38.17	50	2.51	11	0.36
2005-06	127	187	91.87	17	0.88	2	0.11
2006-07	115	173	61.28	14	1.79	5	0.17
2007-08	135	302	110.86	9	0.19	5	0.12
2008-09	77	235	63.82	10	0.77	7	0.26
<b>Total</b>	<b>572</b>	<b>1,111</b>	<b>366.00</b>	<b>100</b>	<b>6.14</b>	<b>30</b>	<b>1.02</b>

Though the department accepted 100 cases involving ₹ 6.14 crore against 1,111 cases featured in the IRs, it could recover ₹ 1.02 crore only which was 16.61 *per cent* of the total accepted amount.

**We recommend that the Department may take immediate action to install a mechanism to pursue and monitor prompt recovery involved in accepted cases.**

### 2.10 Working of internal audit wing

The Finance Department, Government of Assam put in place an Internal Audit Wing (IAW) within the Department in 1988, sanctioning and deploying eight Internal Auditors in the office of the Commissioner of Taxes. The strength was reduced (January 2009) to one, as a result of which during 2009-10 only 11 unit offices could be audited by the sole Internal Auditor. Thus, the very objective of IAW to function as a tool of internal control mechanism in the Department was defeated.

### 2.11 Results of audit

Our test check of the records of 120 units relating to Sales Tax/VAT revealed underassessment of tax and other irregularities involving ₹ 86.35 crore in 237 cases which fall under the following categories:

(₹ in crore)			
Sl. No.	Category	Number of cases	Amount
1.	Irregular exemption	44	49.93
2.	Turnover escaped assessment	12	12.45
3.	Non/short levy of interest	5	1.35
4.	Loss of revenue	4	0.53
5.	Other irregularities	172	22.09
<b>Total</b>		<b>237</b>	<b>86.35</b>

During the course of the year, the Department accepted underassessment and other deficiencies of ₹ 1.50 crore in 85 cases, of which 4 cases involving ₹ 4 lakh were pointed out by us during the year 2009-10 and the rest in earlier years. An amount of ₹ 1.50 crore was realised in 85 cases during the year 2009-10.

A few illustrative cases involving ₹ 45.67 crore are mentioned in the following paragraphs.

## **2.12 Audit observations**

*Our scrutiny of records of sales tax/value added tax(VAT) in the Taxation Department revealed several cases of non-observance of provisions of Acts/Rules/departmental orders and other cases as mentioned in the succeeding paragraphs. These cases are illustrative and are based on a test check carried out by us. Such omissions on the part of assessing officers (AO) are pointed out in audit each year, but not only do the irregularities persist; these remain undetected till we conduct an audit. There is need for the Government to improve the internal control system including strengthening of internal audit so that such omissions can be detected, corrected and avoided.*

## **2.13 Non-observance of provisions of Acts/Rules**

*As per the provisions of the Assam General Sales Tax (AGST) Act, 1993, the AO while finalising the assessment of a dealer has to observe the relevant provisions of the Act and Rules and verify the records submitted by the dealer as mentioned below:*

- i Complete the assessment within the period of limitation;*
- ii Levy tax/interest as per prescribed rate;*
- iii Adjust tax on the basis of evidence such as challans, cheques etc;*
- iv Utilisation statement of declaration form;*
- v Audited accounts of the dealer;*
- vi Authorisation certificate while allowing exemption to an industrial unit; and*
- vii Other ancillary records as required.*

*We observed that the AOs while finalising assessments did not follow some of the provisions of Act and Rules and verify records resulting in non/short levy of tax as shown in paragraphs 2.13.1 to 2.13.17.*

### 2.13.1 Incorrect grant of exemption of export

[Assistant Commissioner of Taxes (ACT), Guwahati, Unit-A, Superintendent of Taxes (ST), Morigaon and Naharkatia; July 2008 and June 2009]

The Central Sales Tax (CST) (Registration and Turnover) Rules, 1957, provide that a dealer may claim exemption from payment of tax for sale in course of export, if the sales are supported by Form H/Form VII duly filled in and signed by the exporter alongwith evidence of such export. Otherwise, tax is leviable at the rate of 10 *per cent* or at the rate of tax applicable under the State Act, whichever is higher. Further, Section 17(5) of the AGST Act, 1993, stipulates that if a dealer fails to furnish a return, or fails to comply with the notice, the Assessing Officer (AO) may, to the best of his judgment assess the dealer and determine the tax payable by him on the basis of such assessment. CST Act read with AGST Act, provide that if a dealer fails to pay the full amount of tax payable by him by the due date, he is liable to pay interest at the rate prescribed.

**2.13.1.1** We observed that the AO, while finalising the assessment of M/s Hindustan Paper Corporation for the year 2002-03 in March 2008, allowed exemption from payment of tax on a turnover of ₹ 10.35 crore on the basis of export documents and Form H against submission of 15 bills of lading for ₹ 1.78 crore. The assessee did not submit any bill of lading or other evidence of export (except Form H) for the remaining export sales valued at ₹ 8.57 crore. This irregular allowance of exemption of ₹ 8.57 crore resulted in short levy of tax of ₹ 2.10 crore including interest of ₹ 1.24 crore.

After we pointed out this, the Department stated (March 2010) that the assessee furnished ARE-1<sup>2</sup> amounting to ₹ 8.56 crore and the goods

were actually exported and hence question of irregular exemption of export did not arise. The reply of the ST was not acceptable as we could not ascertain the veracity of claim of export as part B of the ARE-1 relating to 'Certification by Customs Officer' had neither been filled up nor signed by the customs officer.

**2.13.1.2** The AO, while finalising the assessment of M/s Assam Tea Brokers in March 2008 for 2004-05 on best judgment basis, allowed the dealer deduction of ₹ 7.20 crore being export sales during the year. Since the assessment was completed on best judgment basis, exemption allowed on account of export sales without export documents was irregular. The AO even did not obtain the report of the area Inspector<sup>3</sup> of Taxes. This resulted in short levy of tax of ₹ 72 lakh and interest of ₹ 79.17 lakh.

**2.13.1.3** While finalising the assessment of M/s Seal Kotee Tea Estate in March 2008 for the year 2004-05, the AO exempted turnover of ₹ 34.85 lakh

<sup>2</sup> Application for removal of goods for export.

<sup>3</sup> Area Inspector is to gather information on the dealer's business and report it to the assessing officer.

from payment of tax on the ground of export. However, no evidence of export of goods such as air consignment note and bill of lading was furnished. Thus, irregular grant of exemption of turnover of ₹ 34.85 lakh resulted in non-levy of tax of ₹ 7.40 lakh including interest of ₹ 3.91 lakh.

After we pointed this out, the Department stated (March 2010) that the dealer submitted certificate of export in Form VII and as such exemption was correct. The reply of the Department was not acceptable as no evidence of export of goods was on record.

We reported the cases to the Department/Government between October 2008 and October 2009; we are yet to receive their comments/replies (November 2010).

### 2.13.2 Excess allowance of tax exemption to an industrial unit

[ACT, Guwahati, Unit-A; July-August 2008]

The Assam Industrial Sales Tax Concession Scheme (AISTCS), 1997 provides that a new industrial unit shall be exempted from payment of tax for a period of seven years from 01.02.2002, on purchase of raw materials and on sale of finished goods manufactured by them subject to a maximum limit of 150 *per cent* of the capital investment. To avail such exemption, the intending industrial unit shall have to obtain a certificate of authorisation from the concerned sales tax office on the basis of eligibility certificate issued by the Industries Department. Again, the CST Act (as amended with effect from 11 May 2002) provides that eligible industrial units under the AISTCS may claim exemption from payment of tax on their interstate sales provided the sales are made to the registered dealers and supported by declaration in Form C/D. Otherwise, tax is leviable at the rate of 10 *per cent* or at the rate applicable under the State Act, whichever is higher.

We observed that the AO, while finalising the assessments of M/s Eminent Health Care and Cosmetic Pvt. Ltd. (industrial unit) between January 2004 and May 2008 for the years 2001-02 to 2004-05, allowed exemption from payment of tax of ₹ 1.85 crore against the maximum limit of ₹ 1.22 crore i.e. 150 *per cent* of the capital investment of ₹ 81 lakh. This resulted in excess allowance of tax exemption of ₹ 63 lakh. In addition, interest of ₹ 79 lakh was also leviable.

We reported the case to the Department/Government in October 2008; we have

not received their replies (November 2010).



### 2.13.3 Short levy of interest

[ACsT, Guwahati Unit-A and Tezpur; May 2007 and August 2008]

The CST Act read with the AGST Act provide that if a dealer fails to pay the full amount of tax payable by him by the due date, he is liable to pay interest at the rate of two *per cent* for each month on the amount by which the tax paid falls short.

**2.13.3.1** Six Guwahati and Tezpur based dealers<sup>4</sup> failed to pay the full amount of the tax payable by them for the years from 2000-01 to 2004-05. The AOs while completing the assessments between May 2005 and March 2008, assessed and levied interest of ₹ 5.25 lakh against leviable interest of ₹ 30.39 lakh resulting in short levy of interest of ₹ 25.14 lakh.

After we pointed this out, the AO, Tezpur stated (October 2010) that interest of ₹ 1.18 lakh in respect of one dealer (M/s Guru Bastrayalaya) had been levied. We are yet to receive the report on realisation of the amount and replies in the remaining cases (November 2010).

**2.13.3.2** The AO, Tezpur while completing the assessment of M/s T & I Limited in May 2006 for the year 2002-03 levied interest of ₹ 2.10 lakh against ₹ 9.03 lakh leviable for delayed payment of tax. This resulted in short levy of interest of ₹ 6.93 lakh.

After we pointed this out, the AO stated (February 2010) that interest of ₹ 6.93 lakh was under process of realisation through *Bakijai*<sup>5</sup> process. He, however, did not explain as to why the full amount of interest could not be levied at the time of assessment. We have not yet received the report of realisation of the amount (November 2010).

We reported the cases to the Department/Government between August 2007 and October 2008 ; we are yet to receive their replies (November 2010).

<sup>4</sup> (1) M/s Guru Bastrayalaya, (2) M/s IOC Ltd, (3) M/s Indrajit Mehta Constructions (P) Ltd, (4) M/s Pragati Enterprise, (5) M/s Surgico and (6) M/s Zuventus Health Care Pvt. Ltd.

<sup>5</sup> A process of recovery through Recovery Officers of Taxation Department.

### 2.13.4 Concealment of turnover

[ACT, Tezpur; April and May 2007]

The AGST Act read with the CST Act provides that if a dealer has concealed or failed to disclose fully and truly the particulars of his turnover, the AO may within eight years from the date of the relevant year make a re-assessment of the dealer. Further, the dealer is liable to pay by way of penalty, in addition to tax, additional tax and interest, a sum not exceeding one and half times the amount of tax sought to be evaded.

We observed that the AO, while finalising the assessment of M/s S.K. Automobile in May 2006 for the year 2004-05, determined turnover at ₹ 4.28 crore (₹ 3.70 crore under AGST Act and ₹ 0.58 crore under CST Act). The utilisation statement of the delivery note submitted by the dealer for the year 2004-05, however, showed that the dealer had actually received goods valued at ₹ 6.40 crore against ₹ 4.44 crore disclosed by the dealer in the audited accounts as well as in the annual return. Thus, the dealer concealed minimum turnover of ₹ 1.96 crore which escaped the notice of the AO resulting in short levy of tax of ₹ 25.81 lakh including

interest of ₹ 8.60 lakh.

After we pointed this out, the Department stated (September 2010) that assessment was revised on the concealed turnover of ₹ 1.96 crore and the dealer paid demand of ₹ 22.78 lakh and penalty of ₹ 10,000. The Department did not, however, explain the reason (s) for non-realisation of tax and interest of ₹ 3.03 lakh (November 2010).

We reported the case to the Government in August 2007; we are yet to receive their reply (November 2010).

### 2.13.5 Incorrect allowance of exemption/concession against Form E-I

[ACT, Tezpur; May-June 2007]

The CST Act provides that any subsequent sale of goods during their movement from one State to another effected by transfer of documents of title of such goods to a registered dealer or to the Government shall be exempted from levy of tax provided such sale is supported by a certificate in Form E-I or E-II duly filled in and signed by the selling dealer alongwith Form C or D. It has been judicially held (Tata Iron & Steel Co. Ltd. Vs S R Sarkar (1960)-11 STC 665 (SC)) that where a dealer books goods to self without a purchaser and subsequently finds a purchaser and transfers title to the goods while the goods are in transit, it is eligible for exemption under the Act.

M/s Rikhab Chand Sohanlal Ltd claimed exemption of ₹ 4.63 crore and ₹ 3.47 crore for the years 2002-03 and 2003-04 respectively and M/s T&I Ltd claimed exemption of ₹ 18.40 lakh for the year 2002-03 against transfer of documents during interstate sales.

The AO accepted the claims while finalising the assessments between May 2006 and September 2006. The exemptions were irregular as the subsequent purchasers placed the orders for purchase of goods prior to putting the goods in transit. The incorrect exemption of turnover of ₹ 8.28 crore resulted in short levy of tax of ₹ 62.17 lakh including interest of ₹ 29.09 lakh.

After we pointed this out, the Department in one case (M/s T & I Ltd.) stated (February 2010) that realisation had been initiated through *Bakijai* process. We have not received the reply of the second case (November 2010).

We reported the cases of incorrect/irregular exemption and resultant short levy of tax and interest to the Government in August 2007; we are yet to receive the reply (November 2010).

### 2.13.6 Turnover escaping assessment

[ACsT, Tezpur, Guwahati, Unit-A, Nagaon and Sivsagar; April 2007 and October 2008]

The AGST Act read with CST Act provides that if any part of the turnover of a dealer in respect of any period has escaped assessment to tax, the AO may, within eight years from the end of the relevant year make, a reassessment of the dealer. If the dealer fails to pay the full amount of tax payable by him by the due date, he is liable to pay interest at the rate prescribed on the amount of tax due.

**2.13.6.1** We observed that the AOs, while completing the assessments of five dealers<sup>6</sup> determined taxable turnover at ₹ 34.98 crore. The records/documents like Form C, Form F, sales journal of interstate sale, audited accounts etc, available in the case records/unit offices, however, showed that the

dealers transferred stock/sold goods valued at ₹ 39.05 crore. Thus, turnover of ₹ 4.07 crore escaped assessment. This resulted in short levy of tax of ₹ 95.32 lakh including interest of ₹ 51.65 lakh as mentioned below:

Sl No.	Name of the Unit No. of dealers	Assessment year month	Nature of irregularities	Turnover escaped assessment	₹ in lakh)	
					Tax Interest	Total Tax and interest involved
1.	Tezpur Two	2003-04 September 2007 2005-06 June 2007	The AO determined turnover of inter-state sale of goods at ₹ 11.47 crore against ₹ 12.05 crore as per Form C available in the case records.	58.00	7.73 4.73	12.46
2.	Guwahati Unit 'A' One	2004-05 August 2007	The AO determined the turnover of the dealer at ₹ 20.37 crore against ₹ 21.02 crore as per abstract of sales journal.	65.00	7.53 8.29	15.82
3.	Sivsagar One	2003-04 May 2005	The dealer disclosed stock transfer of ₹ 5.22 crore as per the audited accounts available in the case records. The AO allowed exemption of stock transfer of ₹ 2.45 crore and	277.00	27.73 37.71	65.44

<sup>6</sup> (1) M/s Castrol India Ltd, (2) M/s Lafarge India Pvt. Ltd, (3) M/s Kanu T.E, (4) M/s Pawan Industries and (5) M/s R.K. Supply Agency.

			did not levy tax on the balance amount.			
4.	Nagaon One	2003-04 January 2007	The AO allowed exemption on ₹ 68.25 lakh supported by Form F and levied tax on ₹ 1.33 lakh not supported by Form F and did not allow exemption on balance turnover of ₹ 6.77 lakh as the forms submitted by the dealer related to earlier years but did not levy tax.	6.77	0.68 0.92	1.60
<b>Total</b>				<b>406.77</b>	<b>43.67 51.65</b>	<b>95.32</b>

After we pointed this out, the Department stated (February 2010) in one case (Sl. No. 3) that notice had been issued for reassessment of the dealer. The department neither intimated further developments in this case nor furnished replies in respect of the remaining four cases (November 2010).

**2.13.6.2** The AO, while finalising the assessment of M/s Shree Khatuwala Re-Rolling Mills Pvt. Ltd in January 2007 for the year 2004-05, determined turnover of ₹ 11.30 crore including a concealed turnover of ₹ 1.76 crore. We found from a letter dated 5 January 2005 of the Commissioner of Taxes (CT), Assam that the dealer had actually concealed turnover of ₹ 2.31 crore taxable at the rate of four *per cent*. Thus, turnover of ₹ 55 lakh escaped assessment. The AO did not indicate any reason in the assessment order as to why the total concealed turnover was not brought to assessment. This escapement of turnover of ₹ 55 lakh resulted in short levy of tax of ₹ 4.05 lakh including interest of ₹1.87 lakh.

We reported the cases to the Department/Government between July 2007 and December 2008; we have not received their replies (November 2010).

### 2.13.7 Excess deduction of labour charges

[ACT, Tezpur; September 2008]

AGST Act provides that taxable turnover in respect of a contractor of civil work is determined after reducing the gross turnover by the turnover relating to declared goods purchased locally in Assam and thereafter deduction of labour and other charges shall be made by AO according to the best of his judgment, subject to the limit prescribed in the Act in cases where such labour and other charges are either not shown or shown in the accounts but according to the AO, are unreasonably high.

The AO, while finalising the assessment of M/s Gammon India Ltd., in July 2007 for the assessment year 2004-05 deducted labour and other charges for ₹ 9.96 crore from the total turnover of ₹ 18.51 crore (excluding value of declared goods) considering the claim of the dealer as unreasonably high. Since the claim of labour and other charges of the dealer was considered as unreasonably high and the same reduced according to the best of the AO's judgment, the deduction

was to be restricted to ₹ 4.63 crore (maximum prescribed limit of 25 *per cent*

as specified in the Act). Thus, allowance of excess deduction of ₹ 5.33 crore resulted in short levy of tax of ₹ 77.65 lakh.

After we pointed this out, the ACT, Tezpur stated (March 2010) that the claim for deduction towards labour and other charges was optional provided these were supported by true and proper accounts and statements such as attendance register, pay roll, PF statements etc., when those deductions were incidental to execution of works contract and the prescribed authority after verification of aforesaid books of accounts reduced the inadmissible claim for deduction. The reply of the department was not acceptable as the assessment order was silent about maintenance of such documents by the dealer. The AO reduced the claim observing that the dealer made a higher claim of labour and other charges, without specifying any particular inadmissible claim. Since the AO did not consider the accounts of the dealer as true and proper, deductions were to be restricted to maximum 25 per cent prescribed in schedule VI of the Act.

We reported the case to the Department/Government in December 2008; we are yet to receive their replies (November 2010).

### 2.13.8 Incorrect grant of concession/exemption against Form A

[ACsT, Nagaon and Tezpur; July and September 2008]

Section 8(1)(b) & (c) of AGST Act and Rule 19(b) made thereunder provide that a registered dealer may sell goods falling under Schedule III (goods taxable at last point) & Schedule IV (goods taxable at first and last point) of AGST Act to another registered dealer free of tax or at concessional rate of tax, if such sales are supported by valid declaration in Form A for either resale in the State or for packing of such goods for resale. Further, as per Rule 19(b) of the AGST Rules, no single declaration Form A shall cover more than one transaction of sale except in case where total amount of sale made in a financial year and covered by one declaration is equal to or less than ₹ one lakh or such other amount as the Government may notify in the official gazette. The Government of Assam vide notification dated 8 September 2004 made an amendment that a single declaration Form A may cover all transactions of sale in one financial year.

The AOs, while finalising the assessments of five dealers<sup>7</sup> between March 2007 and March 2008 incorrectly allowed concession/exemption on turnover of ₹ 9.36 crore which resulted in short/non-levy of tax of ₹ 85 lakh as detailed in the following table:

<sup>7</sup> (1) M/s Assam Cement, (2) M/s Rikhab Chand Sohanlal Ltd., (3) M/s R.K. Supply Agency, (4) M/s R. J and Sons and (5) M/s Vikash Enterprise.

Sl. No.	Name of unit Number of dealers	Period of assessment/ Month of assessment	Turnover incorrectly granted concession/ exemption (₹ in crore)	Nature of irregularities	Amount of tax (₹ in lakh)
1.	Tezpur/Nagaon Four	2003-04 2004-05/ July 2007 and March 2008	7.19	The AO allowed concession/exemption on turnover of ₹ 7.19 crore though the dealers submitted Form A which contained multiple transactions of sale and covered more than ₹ one lakh in each form.	64.00
2.	Tezpur/Nagaon Two	2004-05/ July 2007	1.54	The AO allowed concession/exemption on turnover of ₹ 63.49 crore. Scrutiny revealed that turnover of ₹ 1.54 crore was supported by two Form A which did not contain the date of registration of the purchasing dealers.	14.00
3.	Tezpur One	2004-05/ June 2007	0.48	The AO allowed concession/exemption on ₹ 84.78 lakh. Scrutiny revealed that turnover of ₹ 48.16 lakh was supported by photocopies of counterfoil of Form A instead of the original form.	5.00
4.	Tezpur One	2004-05/ March 2007	0.15	The AO allowed concession/exemption on turnover of ₹ 36.42 lakh as sale to registered dealer. Scrutiny revealed that turnover of ₹ 15.17 lakh was not supported by Form A.	2.00
<b>Total</b>			<b>9.36</b>		<b>85.00</b>

After we pointed this out, the Department in one case (M/s R.J & Sons under ACT, Nagaon at Sl. No. 1 above), stated (September 2010) that the whole transaction was carried out against a single supply order. The reply of the Department is not tenable as Rule 19 (b) prescribes that no single declaration in Form A shall cover more than one transaction of sale except in case where the total amount of sale made in a financial year is equal to or less than ₹ one lakh.

We reported the cases to the Department/Government between October and December 2008; we are yet to receive their replies (November 2010).

### 2.13.9 Incorrect allowance of taxable goods as exempted goods

[ACT, Guwahati, Unit A; July-August 2008]

Schedule II of the AGST Act provides that chemicals are taxable at the rate of four *per cent* with effect from 1 January 2000. Besides, an additional tax at the rate of ten *per cent* on the amount of tax is also leviable.

The AO, while finalising (between December 2006 and February 2008) the assessments of two registered dealers dealing in agro chemicals (items taxable under Schedule-II) for the years 2003-04, 2004-05 and 2005-06 (April 2005), allowed exemption of ₹ 1.52 crore under Schedule-I (applicable for exempted goods) of the

AGST Act. Since the dealers deal in chemicals, they were not eligible to get exemption under Schedule-I and tax should have been levied on them at the prescribed rate under Schedule-II. Incorrect allowance of exemption resulted in non-levy of tax of ₹ 14.20 lakh including interest of ₹ 7.52 lakh.

After we pointed out the mistake, the AO stated in July 2009 that the assessments had been revised and demand notices issued. We are yet to receive a report on realisation of the tax amount (November 2010).

We reported the cases to the Department/Government in October 2008; we have not received their replies (November 2010).

### 2.13.10 Non-deduction of tax at source

[Divisional Forest Officer (DFO), Kamrup East Division, Guwahati; September 2009]

The AVAT Act and Rules made thereunder provide that the amount of tax payable by a works contractor shall be deducted at source by the drawing and disbursing officer who shall deposit the same into the Government account within 10 days from the expiry of each calendar month. The Act also provides that if the person responsible for deduction and deposit of tax fails to do so, he shall pay by way of penalty, a sum not exceeding twice the amount of tax deductible and interest at the rate of one and a half *per cent* per month on the amount of tax deductible from the date of payment of bill till the date of actual deposit to Government accounts in addition to the tax.

The DFO paid ₹ 1.05 crore to nine contractors in February 2009 for civil works without deducting/realising VAT of ₹ 4.20 lakh from their bills in contravention to the provisions of the Act. As such, the DFO was liable to pay/deposit interest of ₹ 1.32 lakh and penalty not exceeding ₹ 8.40 lakh in addition to the tax of ₹ 4.20 lakh (including interest of ₹ 1.32 lakh).

We brought the case to the notice of the department/Government in November 2009; we are yet to receive their replies (November 2010).

### 2.13.11 Short levy of tax

[ST, Kabaitary Check Post, Bongaigaon; September 2009]

Section 12 of the AVAT Act provides that every dealer who in course of his business, purchases any taxable good without payment of tax and despatches the same to a place outside the State, other than by sale or export, is liable to pay tax on the gross turnover of purchase of such goods.

We found that the AO finalised the assessment of M/s Ram Vinimoy Coal Pvt. Ltd. for the assessment years 2006-07 and 2007-08 and levied tax on sale of coal valued at ₹ 3.08 crore against purchase of ₹ 12.26 crore as per assessment orders after deduction of interstate sale of coal for ₹ 2.13 crore out of the above purchase. No proof in support of purchase of coal from outside the State of Assam was available in the case records. Thus, the exemption allowed on purchase of coal valued at ₹ 7.05 crore was irregular and resulted in short levy of tax of ₹ 39.99 lakh

including interest of ₹ 11.79 lakh.

After we pointed this out, the Department stated (September 2010) that action was being initiated to levy tax. We are yet to receive intimation regarding realisation of tax (November 2010).

We have reported the case of wrong determination of turnover and resultant short levy of tax to the Government in September 2009; we are yet to receive their replies (November 2010).

### 2.13.12 Application of incorrect rate of tax

[ST, Dhemaji; June 2007]

The AGST Act provides that tax on works contract is leviable at the rate of eight *per cent*. Besides, an additional tax at the rate of 10 *per cent* on the amount of tax is also leviable.

The AO, while finalising the assessment of a works contractor M/s Anil Baruah, for the assessment years 2002-03 and 2003-04 in January 2004 and February 2005 respectively levied tax at the rate of four *per cent* instead of the leviable rate of eight *per cent*. This resulted in short levy of tax of ₹ 13.51 lakh including interest of ₹ 8.07 lakh.

After we pointed out the mistake, the AO stated in May 2009 that the case was referred to the Deputy Commissioner of Taxes, Tezpur for suo-moto revision. We are yet to receive a communication on further developments in the case (November 2010).

We brought the case to the notice of the Department/Government in August 2007; we have not received their comments (November 2010).

### 2.13.13 Incorrect grant of concessional rate of tax against Form B

[ACT, Guwahati, Unit A; July-August 2008]

The Assam Government issued notification dated 3 January 2003 which stipulated that goods (water supply and sanitary fittings including pipes of any type used for the purpose) mentioned in the notification when sold by a dealer to Government department/undertakings for the purpose of their own use against Form B were taxable at the rate of four *per cent* with retrospective effect from 1 May 2001. The said notification was in force from May 2001 to April 2004 and thereafter no such concession was allowed by the Government. Plastic water storage tanks and pipes are taxable at the rate of 13.2 *per cent* including additional tax.

The AO, while finalising the assessment of four<sup>\*</sup> registered dealers for the years 2004-05 and 2005-06 (April 2005), levied tax at the concessional rate of four *per cent* on the taxable turnover of ₹ 9.84 crore on account of sales to Government Department against Form B. The monthly returns submitted by the dealers, however, disclosed that the turnover for the month of April 2004 was ₹ 2.03 lakh only and the

<sup>\*</sup> (1) M/s Kamakhya Plastic (P) Ltd, (2) M/s Mahalakshmi Udyog (P) Ltd., (3) M/s North East Chemical Corporation and (4) M/s Universal Pipes (P) Ltd.



balance turnover of ₹ 9.82 crore pertained to the period beyond April 2004 and was thus inadmissible for concessional rate of tax. This resulted in short levy of tax of ₹ 1.74 crore including interest of ₹ 91 lakh.

After we pointed out the mistake, the AO stated in November 2009 that the assessments in two cases had been revised and additional demand of ₹ 6.46 lakh raised. The AO, however, did not explain the reason for non-levy of tax at the prescribed rate at the time of assessment. We are yet to receive the report on realisation of these two cases and replies in respect of other two cases (November 2010).

We brought the mistake to the notice of Department/Government in December 2008; we are yet to receive their comments/replies (November 2010).

### 2.13.14 Evasion of tax

[ACT, Tezpur; August–September 2008]

Section 16 of the AGST Act provides that every registered dealer is required to submit monthly statement of turnover/annual return of turnover, pay the admitted tax within the prescribed date and produce books of accounts for verification by the AO at the time of finalisation of assessment. Otherwise, the AO shall complete the assessment on best judgment basis within three years and determine the tax payable by the dealer. The Act further provides that if a dealer conceals the particulars of his turnover, he shall pay by way of penalty, in addition to tax, additional tax and interest, a sum not exceeding one and a half times the amount of tax sought to be evaded.

We observed that the AO did not take any initiative to assess a dealer, M/s National Trading Company, for the years 2002-03 to 2004-05 within the period of limitation of three years. The dealer submitted the annual return for the year 2003-04 and disclosed gross turnover of ₹ 3.78 lakh only in the annual return. We found after cross checking with the records of M/s J.J. Automotive Ltd., (registered under Guwahati Unit A Office) that the dealer (M/s National Trading Company) purchased motor parts for ₹ 73.76 lakh between 11 April 2003 and 31 March 2004 from M/s J.J. Automotive Ltd. by utilising

two Form A<sup>9</sup> which the dealer did not disclose in his return and also did not pay tax. Thus, the dealer evaded tax of ₹ 7.55 lakh including interest of ₹ 4.60 lakh by suppressing taxable purchase of ₹ 73.76 lakh. Besides, penalty of ₹ 4.42 lakh was also leviable.

After we pointed this out, the Department stated (October 2010) that assessment was revised and demand notice of ₹ 9.07 lakh including penalty of ₹ one lakh was issued. The dealer, however, paid ₹ 4.60 lakh. We are yet to receive the report on realisation of the balance amount.

<sup>9</sup> By utilising declaration Form A, a registered dealer can purchase taxable goods without payment of tax within the State of Assam. The dealer is however required to pay the tax on subsequent sale of goods.

We reported the matter to the Government in December 2008; we have not received their comments (November 2010).

### 2.13.15 Incorrect grant of deduction

[ACT, Nagaon; July- August 2008]

The AGST Act provides that taxable turnover in respect of a works contract is determined by deducting the value of declared goods purchased locally in Assam on payment of tax and thereafter the labour and other charges incurred by the dealer from the gross turnover. There is no provision in the Act to deduct turnover relating to tax paid goods. Cement is not a declared goods.

**2.13.15.1** The AO, while finalising the assessment of a works contractor, M/s J. D. Construction, for the year 2001-02 in March 2005 allowed deduction of ₹ 4.45 crore including tax paid goods of ₹ 55.98 lakh from the gross turnover of ₹ 5.92 crore. Deduction of turnover of ₹ 55.98 lakh relating to tax paid goods was not correct and resulted in short levy of tax of ₹ 12.33 lakh including interest of ₹ 7.40 lakh.

**2.13.15.2** The AO, completed the assessment of a works contractor, M/s R.C. Construction, for the year 2001-02 in July 2006 and allowed deduction of ₹ 18.67 lakh from the turnover of ₹ 86.05 lakh as value of declared goods. The deduction allowed included purchase of cement valued at ₹ 18.65 lakh by the dealer. Since cement is not a declared goods, the deduction allowed was incorrect and resulted in short levy of tax of ₹ 4.62 lakh including interest of ₹ 2.98 lakh.

We reported the matter to the Department/Government in October 2008; we are yet to receive their comments/replies (November 2010).

### 2.13.16 Non-realisation of tax/Incorrect adjustment of tax deducted at source

[ACT, Nagaon; September 2008]

The AGST Act and Rules made thereunder provide that the amount of tax payable by a supplier/works contractor shall be deducted at source by the drawing and disbursing officer who shall deposit it into Government account within 10 days from the expiry of each calendar month.

The AO, while finalising the assessment of M/s Indrajit Mehta Construction Pvt. Ltd. in April 2007 for the years 2004-05 and 2005-06 (April 2005), incorrectly adjusted ₹ 17.34 lakh against tax payable of ₹ 17.03 lakh on the basis of tax deduction certificate

submitted by the dealer. Treasury *challan* or bank scroll in support of deposit of tax were not available in the case records. This resulted in short demand of tax of ₹ 17.34 lakh due to incorrect adjustment of the tax deducted at source.

We reported the case to the Department/Government in December 2008; we are yet to receive their comments/replies (November 2010).

### 2.13.17 Incorrect grant of deduction

[ACT, Guwahati Unit A; July-August 2008]

The AGST Act read with the CST Act provides that while determining taxable turnover of a dealer, tax included in the gross turnover is to be deducted according to the formula prescribed. No such deduction is admissible where the turnover is exclusive of tax.

The AO, while determining the net taxable turnover of a dealer M/s Masanto India Ltd. for the year 2004-05 in May 2007, allowed deduction of tax of ₹ 37.88 lakh from the turnover of ₹ 4.17 crore towards element of tax. As the stock transfer of goods did not contain tax element, deduction allowed towards element of tax from the gross turnover to arrive at the net taxable turnover was incorrect. This resulted in short levy of tax of ₹ 7.95 lakh including interest of ₹ 4.16 lakh.

After we pointed this out, the ACT stated in November 2009 that the assessment was revised and demand notice was issued. However, the dealer being aggrieved filed an appeal against the assessment order. We are yet to receive a report on further developments in the case (November 2010).

We reported the case to the Department/Government in October 2008; we are yet to receive their replies (November 2010).

### 2.14 Non-compliance of departmental orders

*The CT, Assam vide circulars dated 25 March 1999 and 6 May 1999 instructed the AOs to cross verify central sales tax declaration forms submitted by the dealers specially of North Eastern States and to verify the transactions made under stock transfer for arresting evasion of taxes and curbing malpractice of evasion of central sales tax respectively. Failure of the AOs to act upon the circulars issued by the CT, Assam resulted in short levy of tax/incorrect grant of exemption as shown in the succeeding paragraphs 2.14.1 and 2.14.2.*

### 2.14.1 Irregular grant of exemption

[ACsT, Dibrugarh, Nagaon, Tezpur & Tinsukia and ST, Doomdooma, Digboi, Naharkatia & Morigaon; May 2007 and September 2009]

The CST Act provides that when any dealer claims exemption of tax in respect of any goods by reason of transfer of such goods to any other place of his business out of the State, he may furnish to the AO a valid declaration in Form F duly filled in and signed by the transferee alongwith evidence of despatch of such goods failing which tax at the prescribed rate is to be charged. As per rule, one Form F should cover the transactions of one calendar month. Furnishing of Form F is mandatory with effect from 11 May 2002. In addition, interest at the prescribed rate is also leviable on the unpaid amount of tax.

The AOs, while assessing 19<sup>10</sup> cases under eight unit offices for the years from 2002-03 to 2005-06 between March 2006 and January 2009, allowed irregular exemption on account of branch transfer of goods valued at ₹ 152.18 crore resulting in non-levy of tax amounting to ₹ 30.65 crore including interest of ₹ 17.34 crore as detailed below:

(₹ in crore)

Sl. No.	Name of unit Number of dealers	Period of assessment Assessed between	Turnover exempted incorrectly	Nature of irregularity	Amount (including interest)
1	2	3	4	5	6
1.	Doomdooma Dibrugarh Digboi Nagaon Naharkatia Morigaon 14	2002-03 to 2004-05 December 2006 and March 2008	68.10	The AOs allowed exemption of stock transfer of ₹ 257.25 crore. Scrutiny revealed that 199 declaration Form F covering ₹ 68.10 crore were defective as the Form F involved transaction of more than one calendar month.	14.82 (9.91)
2.	Tezpur One	2003-04 March 2008	0.43	The AO allowed exemption of stock transfer of ₹ 11.28 crore. Scrutiny revealed that six Form F covering stock transfer of ₹ 43 lakh were defective as the purchasing dealer did not mention the registration number and date since when the registration was valid.	0.10 (0.06)
3.	Doomdooma One	2005-06 November 2007	0.37	The AO allowed exemption of ₹ 37 lakh as stock transfer but such stock transfer was not supported by Form F.	0.06 (0.02)

<sup>10</sup> (1) M/s Adabari T.E, (2) M/s Bhowani Tea Industries, (3) M/s Bogapani T.E, (4) M/s Dehing T.E, (5) M/s Deomali T.E, (6) M/s Dirok T.E, (7) M/s Empire of Singlo Tea Ltd., (8) M/s Gangotri Tea Industries, (9) M/s Hatimora T.E, (10) M/s Hindustan Paper Corporation Ltd, (11) M/s Margherita T.E, (12) M/s Namdong T.E, (13) M/s Pawan Industries, (14) M/s Rossel Industries Ltd, (15) M/s Shanti T.E, (16) M/s Shaym Sundar Tea Company (P) Ltd, (17) M/s Seal Kote T.E, (18) M/s Tata Tea Ltd. and (19) M/s Tipuk T.E.

4.	<u>Tinsukia</u> One	<u>2003-04</u> November 2007	23.60	The AO allowed exemption of stock transfer of ₹ 270.58 crore. Scrutiny revealed that 31 Form F covering transactions of ₹ 23.60 crore were duplicate instead of original foil of Form 'F'.	5.38 (3.02)
5.	<u>Naharkatia</u> One	<u>2005-06</u> January 2009	0.90	The AO allowed exemption of stock transfer of ₹ 1.53 crore. Scrutiny revealed that stock transfer of ₹ 0.90 crore covered by 27 Form F related to earlier years.	0.14 (0.05)
6.	<u>Tezpur</u> One	<u>2002-03</u> March 2006 <u>2003-04</u> March 2007 <u>2004-05</u> March 2007	58.78	The AO exempted stock transfer of ₹ 58.78 crore. Scrutiny revealed that the dealer neither produced any evidence of dispatch of goods to outside the State nor recorded the details of dispatch in the Form F.	10.15 (4.28)
<b>Total</b>			<b>152.18</b>		<b>30.65</b> <b>(17.34)</b>

After we pointed this out, the department stated (between January and March 2010) in six cases (out of 14 cases at Sl. No. 1 of table above) that it was a technical mistake. The reply was not acceptable since as per provision of CST Act, one Form F should cover the transactions of one calendar month. In another case of M/s Russel T.E. (Sl. No. 4 of table), the AO Tinsukia reassessed the dealer. The dealer, however, filed a revision petition to the CT, Assam. We are yet to receive the latest position of the case (November 2010).

We reported the cases to the Government between August 2007 and November 2009; we are yet to receive the replies (November 2010).

#### 2.14.2 Incorrect grant of concessional rate of tax

[ACsT, Guwahati Unit A & Tezpur and ST, Doomduma, Digboi & Kabaitary Check Post, Bongaigaon; March 2007 and September 2008]

The CST Act provides that interstate sale of goods, other than declared goods, to the registered dealers/Government departments if supported by valid and duly filled in declaration in Form C/D are taxable at the concessional rate of four *per cent*. Otherwise, tax is payable at the rate of 10 *per cent* or at the rate of tax applicable under the State Act, whichever is higher. In addition, interest at the prescribed rate is also leviable. Benefit of concessional rate of tax against Form D had been withdrawn from 1 April 2007.

The CT, Nagaland in his letter dated February 2002 intimated the CT, Assam regarding cancellation of a series of declaration Forms C with effect from 11 June 2001. This information was duly circulated to all the unit offices by the CT, Assam in December 2002 to take note of at the time of finalising the assessments.

**2.14.2.1** M/s Castrol India Ltd, M/s Indian Oil Corporation Ltd., and M/s Samsung India Electronics Ltd were assessed to tax for the years 2001-02 to 2005-06 in November 2006 and September 2007 at the concessional rate of four *per cent* on a turnover of ₹ 250.51 crore. We found from the case records that interstate sales amounting to ₹ 8.24 crore were supported by declarations in Form C which were

declared invalid by the Government of Nagaland. Thus, failure of the AOs to take note of the circular of the CT, Assam in this regard while finalising the assessments resulted in irregular allowance of concessional rate on the turnover covered by invalid declaration forms and short levy of tax of ₹ 1.65 crore including interest of ₹ 94.17 lakh.

**2.14.2.2** While finalising the assessments of nine dealers<sup>11</sup>, the AOs irregularly allowed concessional rate of tax on interstate sales valued at ₹ 10.01 crore as detailed in the table below. This resulted in short levy of tax amounting to ₹ 1.47 crore including interest of ₹ 71.65 lakh.

				(₹ in lakh)
Name of the Unit No. of dealers	Period of assessment	Assessed between	Nature of irregularities	Amount of tax (including interest)
Tezpur, Digboi Two	2002-03, 2004-05, 2003-04	June 2007 and September 2007	Concessional rate of tax was allowed on interstate sale of ₹ 1.83 crore against Form C. Scrutiny revealed that the forms were photocopies of the declaration form instead of the original.	30.00 (14.65)
Guwahati Unit 'A' Three	2003-04, 2004-05	March 2007 and March 2008	Concessional rate of tax was allowed on interstate sale of ₹ 3.23 crore against Form C. Scrutiny revealed that the forms were issued prior to the date of registration.	60.00 (31.00)
Guwahati Unit 'A,' Doomdooma, Kabaitary Check Post Three	2004-05, 2006-07	August 2007 and August 2008	Concessional rate of tax was allowed on interstate sale of ₹ 5.38 crore against declaration in Form C. Scrutiny revealed that the forms were defective as registration number of the purchasing/selling dealer and the date from which registration was valid, invoice number and date, name of the dealer to whom the forms were issued by the purchasing dealer etc. were not mentioned therein.	49.00 (21.00)
Guwahati Unit 'A' One	2003-04	March 2007	Concessional rate of tax was allowed on interstate sale of ₹ 56.67 lakh though the dealer did not furnish declaration in Form C in support of the claim.	8.00 (5.00)
<b>Total</b>				<b>147.00 (71.65)</b>

We brought the cases to the notice of the Department/Government between August 2007 and December 2008; we are yet to receive their comments/replies (November 2010).

<sup>11</sup> (1) M/s Ambika Electric Stores, (2) M/s Anjali Tea Company, (3) M/s Gastetner India Ltd, (4) M/s Indian Oil (Marketing Division) Ltd, (5) M/s Ledo T.E, (6) M/s N.L. Enterprise, (7) M/s Pfizer Ltd, (8) M/s R.K. Corporate and (9) M/s Samsung India Electronics Ltd.