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Separate paging is given to this part in order that it may be filed as a
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PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Jammu, the 13th of November, 2016.

SRO-360.—In exercise of the powers conferred by section 25-D of the Jammu and Kashmir General Sales Tax Act, 1962, the Government in order to facilitate voluntary payment of tax arrears payable under the General Sales Tax Act, 1962, orders that :—

1. There shall be remission of 100% of the penalty and the interest on arrears of the tax in respect of all the dealers registered under the provisions of Jammu and Kashmir General Sales Tax

Act, 1962, who pay the arrears of sales tax, assessed/re-assessed up to the accounting year 2015-2016, in six equal monthly installments, with the first installment to be paid within one month of the publication of this notification.

2. The said remission of interest and penalty shall also be available to the following categories of dealers :

(i) who have paid their admitted/assessed tax for all the accounting years up to 2015-2016, in part or in full and deposit the balance payable amount of tax in six equal monthly installments, with the first installment to be deposited within one month of the publication of this notification ;

(ii) who are yet to be assessed as per provision of the J&K GST Act, 1962 for any of the accounting year(s). They shall, however, be eligible for availing the benefit of the scheme subject to the condition that they file the returns, revised returns, along with trading account(s) etc. as provided under section 7 of the J&K GST Act, 1962 and the proof of payment of 1/6th of the total amount of admitted/assessed tax. The declaration of self assessment, as may be prescribed for the purpose by the Commissioner, shall also be required to be filed in such cases and it must be accompanied with the proof of payment of 1/6th of the total amount of admitted/assessed tax.

3. Such dealers, who have been assessed up to the accounting year 2015-16, shall simply file a declaration as may be prescribed by the Commissioner for that particular year(s) along with the proof of payment of 1/6th of the assessed tax arrears.

4. Default in payment of first installment shall entail outright disqualification from the scheme. However, default in payment of any subsequent monthly instalment shall make the dealer liable for disqualification only if he is not able to furnish proof of the payment of the missed installment along with penalty equivalent to 5% of the unpaid installment amount with the next installment which shall become due. In case of any further default, the dealer shall be liable to pay the entire amount of arrears along with the interest and penalty. All the installments shall have to be deposited within six months from coming into force of the notification.
5. The benefit of remission under this notification can also be availed by the industrial unit holders whose products figure in the negative list or who are not entitled to any Sales Tax exemption.
6. In respect of the cases where the dealers have challenged the orders passed under any section of the Jammu and Kashmir General Sales Tax Act, 1962, before any Appellate Authority or Court(s), the benefit of scheme shall be available subject to the condition that the concerned dealer files an application before the Competent Authority, along with an affidavit, that he has filed an application for withdrawal of such case(s) and that there are no proceedings pending before any Appellate Forum or Court(s), as the case may be.
7. The provisions of clause (01) to clause (06) shall also apply to arrears of tax/or interest/or penalty under the Central Sales Tax Act, 1956.
8. All the concerned Assessing Authorities having jurisdiction shall be competent to pass order for waiver of such interest/penalty, subject, however, to the condition that no proceedings are pending in this regard before any forum including Court(s) .

9. The amount, if any, already paid towards penalty or interest imposed/levied under the aforesaid section, before the issuance of this notification, shall neither be refunded nor adjusted in any manner.

This notification shall come into force w. e. f. 13-11-2016.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,

Commissioner/Secretary to Government,
Finance Department.