

Saswat Mishra (IAS)
Commissioner of Commercial Taxes
Odisha



Banijyakar Bhawan
Old Secretariat Compound
Cuttack - 753001

No. 1124 /CT

Dated 19.07.2017

REV-24/8/2016-REV CCT

To

**JCCTs (Territorial Ranges)
DCCTs / ACCTs of Circles**

Sub: Collection of Tax, Interest and Penalty in full as per Order of Odisha Sales Tax Tribunal – Regarding

Madam/Sir,

As per Section 80 (1) of OVAT Act, an order of Odisha Sales Tax Tribunal can be challenged in the Hon'ble High Court invoking the revisional power of the Hon'ble High Court. Section 80 (6) of the OVAT Act reads as follows.

“Notwithstanding that a petition has been moved under sub-section (1), the tax or any other dues under this Act shall be paid in accordance with the order against which the petition has been moved:

***Provided that** if, as a result of the petition, any change in the assessment becomes necessary, the High Court may direct the assessing authority to amend the assessment and the assessing authority shall amend the assessment accordingly and, thereupon, the excess amount paid, if any, by the assessee shall be refunded to him without interest or the additional amount of tax or other dues payable by him shall be collected in accordance with provisions of this Act, as the case may be.”*

This means that unless the Hon'ble High Court has stayed the demand flowing from the order of the Tribunal, the dealer is bound to pay the entire demand (tax, interest and penalty) as per the order of the Tribunal. Subsequently, on the direction of the Hon'ble High Court, if the assessment order is amended by the assessing authority resulting in excess amount paid by the dealer, the same shall be refunded to him without interest.

It is seen that in a large number of cases, demand flowing from order of the Tribunal remains uncollected even if there is no stay order of the Hon'ble High Court.

Therefore, you are hereby directed to take immediate steps as per law for realisation of the entire demand (tax, interest and penalty), flowing from order of the Tribunal, from dealers if the same has not been stayed by the Hon'ble High Court.

Yours faithfully



Commissioner of Commercial Taxes
Government of Odisha, Cuttack