

OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES  
ODISHA, CUTTACK

Rev-24/8/2017-REV-CCT. No ~~15378~~ CT Dt: 21-10-17

To

**Addl.CCT (Appeal) (North Zone/ South Zone / Central Zone)**  
**Addl.CCT (Appeal), O/o CCT, Cuttack**  
**JCCTs of all Ranges**  
**JCCTs (Appeal) / DCCTs (Appeal) of all Ranges**  
**DCCT/ ACCT in charge of all Circles**  
**CTOs in charge of all Assessment Units**

Sub: Judgement of Hon'ble Supreme Court dated 09.10.2017 in Civil Appeal No(s) 3381-3400 of 1998 (State of Kerala and Others Vrs Fr. William Fernandez Etc. Etc) and Batch of Civil Appeals

Madam / Sir,

Hon'ble Supreme Court of India, vide its recent judgement cited above (copy available in our website), has dismissed all the appeals filed against the judgement of Hon'ble High Court of Odisha (including transfer case) and upheld the legislative competence of the State Legislature to impose entry tax on the goods imported from outside the country into a local area of the State for consumption, use or sale.

2. Thus, the entry tax not paid by the Appellants by virtue of interim orders of Hon'ble Supreme Court or Hon'ble High Court of Odisha has now become open for realization.
3. In view of the above, you are hereby directed to recover arrears of Entry Tax from the Appellants immediately by following the procedure given below.

a. **Cases where the Dealer has admitted the tax in return:**

- i. Cases where the validity of the Odisha Entry Tax Act and Rules had been challenged on imported goods, notice in Form E-24 should now be issued mentioning the balance tax and interest payable for the tax periods under challenge and tax periods subsequent thereto allowing time of 15 days from the date of receipt of such notice, provided the transactions are admitted in the return(s) files &/or the statements/ affidavits filed.
- ii. Cases where the notice in Form E-24 had been challenged, steps should be taken for recovery of the dues covered under the notice in Form E-24. Further notices in Form E-24 should also be issued

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mentioning the balance tax and interest payable covering subsequent tax periods allowing time of 15 days from the date of receipt of such notice, if the same has not been covered under assessment and the transactions are admitted in the return(s) filed &/or the statements/ affidavits filed.

- iii. Cases where order of assessment had been challenged, steps should be taken for recovery of the dues covered in demand notice. Further notices in Form E-24 should be issued mentioning the balance tax and interest payable covering subsequent tax periods allowing time of 15 days from the date of receipt of such notice, if the same has not been covered under assessment and the transactions are admitted in the return(s) filed &/or the statements/ affidavits filed.
- iv. Cases where notice for payment of Entry Tax had been challenged, steps should be taken for recovery of the dues. Further notices in Form E-24 should be issued mentioning the balance tax and interest payable covering subsequent tax periods allowing time of 15 days from the date of receipt of such notice, if the same has not been covered under assessment and the transactions are admitted in the return(s) filed &/or the statements/ affidavits filed.

b. **Cases where Assessment is completed; But ET paid is less than the demand determined:**

- i. In these cases, the ET demanded on goods imported from out of India is to be taken out from the total demand. The balance demand is to be collected from the Respondents by issuing a notice in Form E-8 under the Entry Tax Act mentioning tax and interest payable and giving 15 days time (from the date of receipt of the Notice) to the respondents to make payment.
- ii. Where demand notice has been issued for payment of 50% of the assessed amount and 50% has been stayed subject to the disposal of the case, further demand notice for 50% of the assessed amount shall be issued.

c. **Cases where the dealer has not admitted the tax in return and assessment has not been initiated for the period:**

- i. Where the dealer is a party to the case under consideration, audit and audit assessment should be undertaken for all periods which are not covered under audit.
  - ii. Where the dealer is not a party to the case under consideration, then audit and audit assessment should be undertaken for all tax periods from 2012-13, if not done already.
4. Please also note that Interest is to be calculated @ 2% per month till 30.06.2012 and @ 1% per month thereafter.
  5. All 1<sup>st</sup> Appellate Authorities are advised to dispose of all pending 1<sup>st</sup> appeal cases expeditiously as per the judgement of the Hon'ble Apex Court mentioned supra.
  6. All-out efforts must be put in for collection of such Entry Tax Arrears.

Yours faithfully



**Commissioner of Commercial Taxes  
Odisha, Cuttack**

Memo No 15379

Dt 21-10-17

Copy to all Branch Officers of Head Office for information and necessary action. JCCT (Law) is requested to give a copy of this letter to Standing Counsels (CT) for their information.



**Commissioner of Commercial Taxes  
Odisha, Cuttack**