

GOVERNMENT OF ODISHA

FINANCE DEPARTMENT

NOTIFICATION

The 30th September, 2014

WHEREAS, Hindustan Aeronautics Limited (HAL), Koraput Division, Sunabeda is a Public Sector Undertaking under Ministry of Defence, Government of India engaged in development, repair and manufacture of aero-engines for fighter aircraft for use in defence of the Country;

WHEREAS HAL, Koraput Division, Sunabeda was being assessed to OVAT and CST from the years 2005-06 onwards which was challenged in appeal and revision before different taxing authorities and Orissa High Court;

WHEREAS Hon'ble Supreme Court of India in SLP(C) No. 14619-14676 of 2010 in case of M/s Hindustan Aeronautics Ltd. Vs. State of Karnataka in their order Dt. 11.01.2011 directed to settle the dispute in the matter of demand of tax outside the Court;

AND WHEREAS HAL, Koraput Division, Sunabeda has approached State Government to settle similar tax disputes pending in appeal and revision in the light of direction of Supreme Court of India, as referred to above;

Now, therefore, in exercise of the powers conferred by section 102 of the Odisha Value Added Tax Act, 2004(Odisha Act 4 of 2005) read with sub-section (2) of section 9 of the Central Sales Tax Act, 1956(74 of 1956), the State Government do hereby refer to Commissioner of Sales Tax to settle the disputed amounts pending in appeal and revision subject to the following conditions and restrictions, namely:-

- (I) The Commissioner shall have power to settle the dispute of tax for the period from 01.04.2005 to 31.01.2013 at the tax rate 4% without any penalty for OVAT and CST.
- (II) The Commissioner shall fix modalities of settlement of disputes subject to such condition regarding withdrawal of appeal and revision cases by HAL/Revenue.
- (III) The Commissioner shall lay down manner and procedure for payment or recovery or refund of the amount settled by him under this notification.

[No. 28528 -FIN-CT1-TAX-0011-2014]

By order of the Governor

Special Secretary to Government

-:2:-

Memo No. 28529/F., Date- 30/9/2014

Copy forwarded to the Gazette Cell of Commerce & Transport (Commerce) Department, Government of Odisha, Bhubaneswar for information and necessary action with a request to publish this notification in an extraordinary issue of the Odisha Gazette immediately.

Four hundred copies of the notification may please be supplied to this Department and One hundred copies to C.C.T., Odisha, Cuttack.

This is statutory and will bear SRO Number.


Special Secretary to Government

Memo No. 28530/F., Date- 30/9/2014

Copy forwarded to Commissioner of Commercial Taxes, Odisha, Cuttack for information and necessary action.


Special Secretary to Government

Memo No. 28531/F., Date- 30/9/2014

Copy forwarded to the Head State Portal Group, IT Centre, Secretariat for hosting in the Odisha Government website- www.Odishagov.ocac.in- Finance Department.


Special Secretary to Government