

THE UTTARAKHAND VALUE ADDED TAX ACT, 2005

Sec. 24: Provisional Assessment:

(1) The assessing authority may scrutinize any return or returns in relation to any tax period furnished by any dealer to verify the correctness of calculation, application of correct rate of tax and interest, and input tax credit claimed therein and full payment of tax and interest payable by the dealer during such period.

(2) If any mistake is detected as a result of such scrutiny made as per the provisions of sub-section (1) above, the assessing authority shall, without prejudice to any thing contained in section 58, serve a notice in the prescribed manner on the dealer to make payment of the extra amount of tax, if any, along with the interest as per the provisions of this Act.

(3) Where in case of a *registered dealer or any dealer* liable to pay tax or a dealer to whom notice has been issued by the assessing authority under sub-section (12) of section 23, and in respect of any tax period during an assessment year-

- (a) the return is not submitted within the time prescribed or extended by the assessing authority; or
- (b) the return is submitted but not in the prescribed manner; or
- (c) the return submitted is, in the opinion of the assessing authority, incorrect or incomplete or contains wrong particulars; or

- (d) the return is submitted without payment of tax in the manner prescribed; or
 - (e) the return required under sub-section (11) of section 23 is not filed within the prescribed time, the assessing authority shall after making such inquiries as it considers necessary, determine the turnover of sales or of purchases or both, as the case may be, provisionally and assess the tax payable thereon.
- (4) If in respect of any one or more tax period, as the case may be-
- (a) the tax payable as shown in the return appears to the assessing authority to be incorrect; or
 - (b) the tax paid along with the return is less than the amount due under this Act or shown payable in the return; or
 - (c) the input tax credit claimed in the return is not supported by the required information, as per sub-section(3) of section 23, the assessing authority shall provisionally assess the tax payable on the turnover of sales or purchases or both as the case may be, shown in the return at the rates prescribed under the Act.
- (5) The provisional assessment under this section shall be made on the basis of past returns, or past records or on the basis of information received by the assessing authority, and the assessing authority shall direct the dealer to pay the amount of tax assessed in such manner and by such date as may be prescribed.

(6) Nothing contained in this section shall prevent the assessing authority from making final assessment for the whole year under section 25 or section 26 and any tax paid against the provisional assessment shall be adjusted against tax, interest and penalty payable on final assessment under sections referred to above.

(7) No provisional assessment against a dealer shall be made without giving the dealer a reasonable opportunity of being heard.