

THE UTTARAKHAND VALUE ADDED TAX ACT, 2005

Sec. 28: Assessment in case of special circumstances:

(1) Assessment in case of Price Variation-Where a dealer receives in any year any amount due to price variation which would have been in his turnover for any previous tax period if it had been received by him during that period, it shall be deemed to be turnover during the tax period in which such amount was received and he shall, during the tax period in which such amount was received, include such amount in the return separately for the tax period, to the assessing authority and the assessing authority shall assess the tax payable on such amount as his turnover for the tax period in which such amount is received:

Provided that the tax shall be charged at the rate at which it would have been charged had such turnover been assessed for the assessment year to which such turnover belongs.

(2) **Protective Assessment**-Where the assessing authority has reason to believe that any person, with a view to evade the payment of tax or in order to claim any input tax credit which he otherwise is not eligible for, or was carrying on business in the name of, or in association with any other person either directly or indirectly, whether as an agent, employee, manager, partner or power of attorney holder, guarantor, relative or sister concern or in any other capacity, such person and the person in whose name the registration certificate, if any, is taken, shall jointly and severally be liable for payment

of the tax , interest or penalty or other amount due under this Act which shall be assessed, levied and recovered from all or any such person as if such person or persons are dealer under the Act. However before taking action under this section the person concerned shall be given a reasonable opportunity of being heard.