

THE UTTARAKHAND VALUE ADDED TAX RULES, 2005

42: Disbursement of amount wrongly realized as tax:

(1) A dealer who has realized any amount referred to in sub-section (1) of section 40 of the Act, shall deposit such amount as per the provisions of rule 20.

(2) The receipt of payment of amount to the dealer or a certificate from the dealer certifying the realization of amount from the claimant shall be filed along with the claim for refund under sub-section (3) of section 40 of the Act.

(3) If the Assessing Authority on the basis of evidence produced before it and after making such enquiry as it deems proper, is satisfied that the amount is refundable, it shall refund the amount to the claimant. Before rejecting a claim, the Assessing Authority shall afford an opportunity of being heard to the claimant. The amount shall be refunded on furnishing an indemnity bond by the claimant in Form XXVII:

Provided that if at any time after the refund of amount the Assessing Authority is satisfied, for reasons to be recorded in writing, that the amount was not refundable or has become not refundable, he shall give notice to such person requiring him to deposit the amount or to show cause within 30 days of the receipt of the notice why the amount be not realized from him in accordance with the provisions of section 34 of the Act.

(4) The provisions of rule 41 as applicable in case of refund under section 36 shall, mutatis mutandis, apply to disbursement of amount under Section 40 of the Act.