

CHAPTER-1
PRELIMINARY

1. Short title and commencement.— (1) These rules may be called the Himachal Pradesh Tax on Entry of Goods into Local Areas Rules, 2012.

(2) They shall come into force with immediate effect.

2. Definitions,- (1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Himachal Pradesh Tax on Entry of Goods into Local Area Act, 2010;

(b) “Assessing Authority” means any person appointed by the State Govt. under subsection (2) of section 3 of Himachal Pradesh Value Added Tax Act, 2005, read with section 12 of the Act, shall be the Assessing Authority under the Act in respect of the dealers falling in his/her jurisdiction;

(c) “Form” means a form appended to these rules;

(d) “Government” means the Government of Himachal Pradesh;

(e) “Government Treasury” means a Government treasury in Himachal Pradesh and includes a sub –treasury;

(f) “month” means a Gregorian calendar month;

(g) “section” means a section of the Act; and

(h) “schedule” means a schedule appended to the Act.

(2) Words or expression used but not defined in these rules, shall have the same meanings, respectively, as assigned to them in the Himachal Pradesh Value Added Tax Act, 2005 or the rules framed there under as the case may be.

CHAPTER-II REGISTRATION

3. Registration of Dealer. — Entry dealer who is liable to pay entry tax under section 3, shall be deemed to have been registered under the Act, if such dealer is registered under the Himachal Pradesh Value Added Tax Act ,2005. The procedure specified for registered under rules 3,4 and 5 of the Himachal Pradesh Value Added Tax Rules, 2005 shall apply *mutatis-mutandis* to these rules.

CHAPTER-III PAYMENTS OF TAX AND RETURNS

4. Payment of Tax and other dues.— (1) The payment of tax under section 3 and 4 of the Act shall be made,-

- (a) by every registered dealer liable to pay tax while furnishing monthly return to the authority concerned.
- (b) by every un-registered dealer/non dealer to the authority concerned at the point of entry into local area/multi-purpose barrier or circle /district authority of location through demand draft /treasury receipt /cash payment immediately or within 10 days from the date of entry of goods into local area on furnishing sufficient security in the shape of Bank Guarantee or equivalent as the case may be on receipt of Declaration-cum-Tax Payment notice in form ET-I.

(2) Any other amount due under the Act shall be recovered in accordance with rules 11, 12 and 13 of these rules.

¹ **4-A. Procedure for registration and payment of tax on e-commerce.—** (1) The carrier of goods or courier agent or any other person in-charge of the goods (hereinafter referred to as “deemed importer”) who intends to cause the entry into local area of goods specified against Entry No. 15 of Schedule-II to the Act, purchased through e-commerce (online shopping) for personal use, shall be required to make application for registration under the provisions of this rule.

(2) The carrier of goods or courier agent or any other person in-charge (deemed importer) shall have to apply for registration in Form VAT-VI-A through the official website of the Department and upon successful submission of the same, a user ID and password will be sent on the e-mail ID mentioned in the application form alongwith a message that the hard copy of the Registration Certificate may be collected on any working day and all future correspondence with regard to online services shall be communicated on the e-mail ID and mobile number given on the application Form VAT-VI-A. On successful issuance of user ID and password, the deemed importer may cause entry of the specified goods after making advance payments as per sub-rule (3) of this rule. The Assessing Authority shall issue Certificate of Registration to the applicant in Form VAT-VI-B as per provisions of rule 59-A of the Himachal Pradesh Value Added Tax Rules, 2005.

(3) The deemed importer before causing the entry of goods into local area shall upload the manifest in Form-ET-II appended to these rules online through the official website of the Department and on successful upload, an acknowledgement shall be generated and thereafter goods vehicle carrying such specified goods may

¹ After rule 4, the new rule 4-A shall be inserted by the Himachal Pradesh Tax on Entry of Goods into Local area (Amendment) Rules, 2017 notified vide notification No. EXN-F(10)-21/2016 dated 31-01-2017 published in RHP on 01-02-2017 w.e.f. 01-02-2017.

enter into the State alongwith printouts of acknowledgement receipt and manifest in Form ET-II.

(4) Before making online declaration as per sub-rule (3), the deemed importer shall have to deposit a minimum of Rs. 1,00,000/- (Rupees One Lac only) as advance Entry Tax by way of electronic payment, through the official website of the Department, however, there is no upper limit and deemed importer may deposit higher amount of advance Entry Tax may be depending on the business volume. for each online declaration filed in Form-ET-II, the payable Entry Tax would be deducted automatically from the advance amount available in the department's IT system up to a threshold balance of Rs. 10,000/- (Rupees ten thousand only). Thereafter the deemed importer shall be required to recoup the advance Entry Tax to minimum balance of Rs. 1,00,000/- (Rupees One Lac only) failing which online declarations may be automatically blocked. The threshold balance of Rs. 10,000/- (Rupees ten thousand only) shall be available for refund or adjustment, as the case may be, on closure of the business by the deemed importer.

(5) In case goods are to be returned, the deemed importer shall file online declaration or manifest in form- ET-III appended to these rules at the time of exit from the local area. The reversal of entry tax due against return of such goods will be duly credited into the account of the deemed importer automatically by the department's IT system. However, the benefit of reversal of Entry Tax shall only be available if the declaration in Form ET-III is filed within thirty days of entry of such goods into local area.

(6) Every deemed importer shall furnish monthly return in Form-ET-IA, appended to these rules, online through the official website of the Department within thirty days from the close of the month.

(7) If a deemed importer fails without sufficient cause to furnish the return under sub-rule (6), he shall be liable to pay, by way of penalty, a sum equal to Rs. 100 per day for delay in furnishing such return upto a period of ten days, thereafter, the penalty shall be Rs. 500 per day till the default continues; provided that where no tax is payable, such penalty shall not exceed Rs. 500 for every return.

(8) In case online declaration is not possible on account of any eventuality, the Excise and Taxation Commissioner shall have the power to allow manual declaration for such period as he may deem fit. Thereafter for filing such a manual declaration the deemed importer shall produce the hard copy of the manifest in Form ET-II before officer in-charge of a check post or barrier or any other officer not below the rank of Excise and Taxation Inspector on duty at the check-post or barrier of the department nearest to the point of entry of the consignment or goods into local area and such officer in-charge on duty shall allow the consignment by stamping the manifest. However, the deemed importer shall ensure to the satisfaction of the officer in-charge on duty at the check-post or barrier that there is sufficient balance of Entry Tax available in his account, failing which he shall have to deposit the Entry Tax due against such goods at the check post or barrier. The deemed importer shall be required to upload online copy of the manifest in Form ET-II declared manually within three days of the restoration of on-line declaration system. In case of goods returned, if any, similar procedure would apply mutatis-mutandis.

(9) If the deemed importer fails without sufficient cause to comply with the requirements of the provisions of sub-rule (3), (5) and this sub-rule, the commissioner or any other person appointed to assist him under sub-section (1) of section 3 of Himachal Pradesh Value Added Tax Act, 2005, may, after giving a

reasonable opportunity of being heard, direct him to pay by way of penalty, a sum equal to fifty per centum of the amount of tax due.

5. Mode of payment of tax.— (1) Any amount payable by a registered dealer or unregistered dealer in respect of entry tax, interest, penalty or any other liability or amount due under the Act or these rules shall be paid into appropriate Government Treasury. No payment of any such amount in case except from non-dealer or unregistered dealer, shall be accepted at the office of Assistant Excise & Taxation Commissioner or Excise & Taxation Officer Incharge of the district of the office of Assessing Authority of the Circle or multipurpose barrier.

(2) All payments under the Act shall be made by a Challan in form **VAT-II**, obtainable free of charge from the district /circle office of the department or for making e-payment, the Challan in form VAT-II can be downloaded or printed from the website of Excise & Taxation Department, Himachal Pradesh.

(3) Challan shall be filled up in quadruplicate. One copy of Challan shall be retained by the treasury and second copy shall be sent by treasury officer to Assistant Excise & Taxation Commissioner or Excise & Taxation officer of the districts or returned to the person making payment officer incharge of circle **and triplicate** and **quadruplicate** copies shall be duly signed as proof of payment .The Triplicate copy of the Challan shall be furnished by the person making the payment to the authority concerned alongwith return:

Provided that if the payments are made on line, the dealer shall download the challan in Form-VAT-II from the website of Excise and Taxation Department.

6. Mode of filing of returns.— (1) Every registered dealer shall furnish monthly return within 30 days from the expiry of such month in form VAT-XV

under Himachal Pradesh Value Added Tax Rules, 2005. The procedure specified under rules, 40, 41, 42, 43 and 44 of the aforesaid rules, shall apply mutatis-mutandis to these rules.

(2) The return in form VAT-XV shall be sent to the appropriate Assessing Authority together with the treasury or bank receipt as proof of payment of the tax due and acknowledgement for receipt of return shall be issued after affixing signature and official stamp indicating date of receipt.

(3) Every registered dealer shall append to his return the list of purchases of goods as per Schedule-II of the Act.

(4) Every Assessing Authority shall maintain demand and collection register in form VAT-XVII showing the payment of tax, penalty, interest and other amount by the dealer in his jurisdiction.

(5) (i) The appropriate Assessing Authority shall scrutinize every return of a dealer and if any mistake is detected in the return upon such scrutiny and the person is found to have paid less tax than that payable as per such return, such authority shall serve a notice upon the dealer concerned directing him to pay the amount of tax less paid along with interest payable under section 19 of the Himachal Pradesh Value Added Tax Act, 2005 and to produce the treasury receipts before him within the time specified in the said notice:

Provided, that if the dealer is found to have paid tax or interest in excess of the amount payable according to such return, the said authority shall inform the same to the dealer by sending an intimation within one month of completion of such scrutiny.

(ii) If upon receipt of notice referred to in clause (i), the dealer complies with the direction made in such notice and furnishes proof of such compliance including a copy of treasury receipt, the Assessing Authority shall make a record of the same and close the scrutiny. If the dealer does not comply with such directions or expresses his disagreement in writing, adducing reasons for such disagreement with the directions made in such notice, the Assessing Authority, unless, he accepts such reasons as correct and justified, shall, refer the matter to Assistant Assessing Excise & Taxation Commissioner or officer incharge of the district within a fortnight, recommending for initiation of audit proceedings in the case, in respect of such dealer.

CHAPTER-IV ACCOUNTS

7. Maintenance of accounts by a dealer.— (1) Every registered dealer and every person liable to get himself registered under the Act shall keep and maintain a true and correct account of goods purchased, manufactured, processed and sold by him or goods held by him in stock.

(2) The procedure specified under rules 51, 52, 53, 54, 55 and 56 of Himachal Pradesh Value Added Tax Rules, 2005 shall apply mutandis to these rules.

(3) Every such dealer or person shall keep the current books of accounts at the place of business entered in the registration certificate.

(4) Every dealer or manufacturer shall maintain day to day stock account in respect of each of the goods and each variety of the same goods dealt with by

him. The stock account shall contain particulars of the purchases or stock receipt, sale or stock transfers and balance of stock.

CHAPTER-V

DEEMED ASSESSMENT, ASSESSMENT, RE-ASSESSMENT AND RECTIFICATION OF MISTAKES

8. Procedure for deemed assessment.— (1) The returns furnished by a dealer under sub-rule (1) of rule 6 read with section 16 of the Himachal Pradesh Value Added Tax Act, 2005 shall be duly acknowledged.

(2) Where the returns relating to a financial year have been filed and are complete in material particulars, the dealer shall be deemed to have been assessed for that year.

Provided, that no return shall be deemed to be correct and complete if, it is either not accompanied by the specified list, document, certificates or declarations, or any of these are incorrect or the particulars are not signed or improperly signed and as such the return shall also be treated to be incorrect and incomplete.

(3) Except for the cases selected for scrutiny, all other cases shall be deemed to have been assessed to tax and in such cases acknowledgement of return shall be deemed to be the copy of assessment order.

9. Selection of cases for scrutiny and issue of notice.— The Procedure specified under rule 66 and 67 of the Himachal Pradesh Value Added tax Rules, 2005, shall apply mutatis-mutandis to these rules.

10. Re-assessment of tax and rectification of mistakes.— The procedure specified under rule 72 of the Himachal Pradesh Value Added Tax Rules, 2005, shall apply mutatis-mutandis to these rules.

CHAPTER-VI

PROCEDURE FOR RECOVERY OF TAX, INTEREST AND PENALTY

11. General mode of recovery.— Where any tax or sum payable by a dealer or a person under this Act, is not paid within specified time, the recovery shall be made from the securities so furnished in this regard.

12. Tax ,Interest and Penalty as arrear of land revenue.— The amount of any tax and penalty imposed or interest payable which remain unpaid after due date, shall be recovered as arrears of land revenue.

13. Special mode of recovery.— Notwithstanding anything contained in these rules, the Commissioner or any officer not below Excise & Taxation Officer, appointed under section 3 of the Himachal Pradesh Value Added Tax Act, 2005 may at any time or from time to time by issue of notice shall be empowered to recover such tax, penalty and interest by attachment and sale of the movable or immovable property of such dealer or person as the case may be.

CHAPTER –VII

PROCEDURE FOR DETERMINATION AND SANCTION OF REFUND

14. Application for refund.— The application for refund of any amount admissible under the Act, shall be made to appropriate Assessing Authority containing the grounds on Which the refund is claimed. The procedure specified

under rule 74 of Himachal Pradesh Value Added Tax Rules, 2005 shall apply mutatis-mutandis to these rules.

15. Determination of amount of refund, sanction and adjustment of claim.— The procedure specified under rule 75 and 76 of the Himachal Pradesh Value Added Tax Rules, 2005 shall apply mutatis–mutandis to these rules.

CHAPTER-VIII APPEAL AND REVISION

16. Submission of application for appeal or revision.— The procedure specified under rule 77, 78, 79, 80, 81 and 82 of the Himachal Pradesh Value Added Tax Rules, 2005, shall apply mutatis-mutandis to these rules.

CHAPTER-IX MISCELLANEOUS

17. Superintendence and control of administration.— The procedure specified under rule 87 of the Himachal Pradesh Value Added Tax Rules, 2005, shall apply mutatis-mutandis to these rules.

18. Information regarding entering into partnership or dissolution of partnership.— (1) If a dealer entered into partnership with regard to his business, he shall report the fact to the Assessing Authority concerned within 30 days of his entering into such partnership. The dealer and the partner shall be jointly and severally responsible for the payment of tax, interest and penalty payable under the Act.

(2) If the partnership is dissolved, every person who was a partner shall send intimation of the dissolution to the Assessing Authority concerned within 30 days of such dissolution.

19. Information regarding discontinuance of business or change of place of business.— If, at any time, a dealer:-

- (i) Discontinues or sells or otherwise disposes of the whole or part of any business carried by him; or
- (ii) Changes his place of business or any of his places of business; or
- (iii) Open a new place of business; or
- (iv) Changes the name of business carried by him, or in case the dealer is dead, his legal representative; shall intimate the fact to the Assessing Authority concerned within 30 days.

20. Delegation of Routine Duties.— The procedure specified under rule 88 of the Himachal Pradesh Value Added Tax Rules, 2005, shall mutatis-mutandis to these rules.

“FROMS”

EXCISE & TAXATION DEPARTMENT, HIMACHAL PRADESH.

FORM ET-I

[see rule 4(b)]

Declaration-cum-tax Payment Notice

(For non-dealers only)

1.	Form No. and Date.....	Name of Barrier.....
2.	CONSIGNOR	Name & full address..... TIN/TAN/PAN NO.(if any)
3.	Consigned from:	place.....

4. CONSIGNEE:	Name & full address..... TIN/TAN/PAN NO.(if any).....
5. Destination of Goods.....	
6. Vehicle No.....	Name of Transport Co. if any

7. Details of Goods (Give details overleaf in case of Multiple Bills)

Bill No/GR No.	Date	Aggregate Value of Goods (In Rs)	Entry Tax Payable	Brief Description of Goods
1	2	3	4	5

Whereas, the goods of above description declared at the barrier..... on dated..... are allowed to enter inside the local area of destination subject to the condition that the consignee/owner/custodian of the aforesaid goods will deposit full amount of Entry Tax payable for Rs..... (Rupee.....) in Government Treasury/Sub-treasury through SBI / PNB / SBOP to be credited in sub-head '09' (Entry Tax), minor head '800' under head of account '0040' tax on sales, trade etc. Within 10 days from the date of such declarations. The copies of TR certifying deposit of tax should be submitted to the office of AETC of the district concerned and to incharge of the barrier from where the goods have entered into the local area/state.

In case the payment of Entry Tax is not made as per directions, it will be presumed that the goods as such have been entered into the local area/state without valid declaration and penalty as warranted under section 34(7) of Himachal Pradesh Value Added Tax Act ,2005 shall be levied in addition to the

amount of entry tax due and the recovery of tax and penalty will be enforced through sale of movable/immovable property after affording due opportunity to be heard.

Signature of officer-in-charge of the Barrier (with stamp and date) Name of the check-post/barrier	signature of the person transporting the goods (with name and address) Contact No.....
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Copy for information and necessary action to:-

1. AETC of district.....
2. ETO/AETO I/c of circle..... District.....

I/C MP Barrier.....
District.....(HP).

²Form-ET-IA
(See sub rule (6) of rule 4-A)

Name of Importer:

PAN

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Return period:

Calculation of Entry tax:-

(In rupees)

1.	Amount of Entry brought forward from the previous month	
2.	Amount of tax deposited online during the month	
3.	Amount of tax deposited manually at the barrier during the month (if any)	
4.	Amount of tax available (1+2+3)	
5.	Entry Tax payable against manifests declared online during the month	
6.	Entry tax payable against manifests declare manually at barriers during the month	
7.	Entry tax payable against consignment not covered under item no.5 or item no.6 (if any)	
8.	Entry Tax required to be reversed against returns made during the month	
9.	Total Entry Tax payable (5+6+7-8)	
10.	Amount of penalty levied during the month (if any)	
11.	Total amount payable including penalty (9+10)	
12.	Amount of Entry Tax carried forward at the end of the month (4-11)	
	Amount paid:	

² After Form ET-I, the new Forms “ET-IA, ET-II and ET-III” shall be inserted by the Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Rules, 2017 notified vide notification No. EXN-F(10)-21/2016 dated 31-01-2017 published in RHP on 01-02-2017 w.e.f. 01-02-2017.

(1)	Challan No.....Date.....	
(2)	Challan No.....Date.....	
(3)	Challan No.....Date.....	

Total:
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Date:_____

Authorised signatory.

FORM-ET-II

(See sub rule (3) and (4) of rule 4-A)

Name of Importer:

PAN:

Registration certificate No.:

Consignment Note No.	Consignment Note Date (DD/MM/YYYY)	Import Date (DD/MM/YYYY)	Consignor Name	Consignor Address	Consignee Name	Consignee Address	Invoice No.
1.	2.	3.	4.	5.	6.	7.	8.

Invoice Date (DD/MM/YYYY)	Invoice Value	Entry Tax	Commodity	Quantity	Package
9.	10.	11.	12.	13.	14.

Date:_____

Signature of importer.

FORM-ET-III

(See sub rule (5) of rule 4-A)

Name of Importer:

PAN:

Registration certificate No.:

Consignment Note No.	Consignment Note Date (DD/MM/YYYY)	Import Date (DD/MM/YYYY)	Consignor Name	Consignor Address	Consignee Name	Consignee Address	Invoice No.
1.	2.	3.	4.	5.	6.	7.	8.

Invoice Date (DD/MM/YYYY)	Invoice Value	Entry Tax	Commodity	Quantity	Package	Manifest No.	Acknowledgement No. of Manifest vide which goods entered into the state
9.	10.	11.	12.	13.	14.	15.	16.

Date: _____

Signature of importer.