

Government of Jammu and Kashmir notifies the KAR-SAMADHAN-2024 scheme

The government of Jammu and Kashmir has notified the KAR-SAMADHAN-2024 scheme for the settlement of tax arrears pertaining to the period before the introduction of the Goods and Services Tax (GST).

Key features of the scheme:

Validity: The scheme is effective from 15 January 2024 to **30 June 2024**.

Enactments covered:

- Jammu and Kashmir General Sales Tax Act, 1962
- Jammu and Kashmir Value Added Tax Act, 2005
- Central Sales Tax Act, 1956

Benefits:

- Waiver of 100% of penalty and interest payable by the dealer under the following Acts:
 - Under the J&K General Sales Tax Act, 1962, and Central Sales Tax Act, 1956, relating to assessment/re-assessment made, including yet to be assessed cases up to 7 July 2017 (for other than liquor dealers) and up to 31 August 2017 (for the liquor dealers).
 - Under the J&K Value Added Tax Act, 2005, and Central Sales Tax Act, 1956, relating to assessment/re-assessment made, including yet to be assessed cases till accounting year 2017-18 (up to 7 July 2017).
- Where the dealer has no arrears of tax but has arrears of penalty and interest only, relating to the assessments or re-assessments already completed and to be completed by or before **30 June 2024**, such arrears of penalty and interest shall be eligible for waiver.

Timeline for payments of principal tax and filing of application:

Month of filing application	No of instalments	1 st instalment along with application	2 nd instalment	3 rd instalment	4 th instalment	5 th instalment	6 th instalment
January 2024	06	31 January 2024 (30%)	29 February 2024 (25%)	31 March 2024 (15%)	30 April 2024 (10%)	31 May 2024 (10%)	30 June 2024 (10%)
February 2024	05	29 February 2024 (55%)	31 March 2024 (15%)	30 April 2024 (10%)	31 May 2024 (10%)	30 June 2024 (10%)	-
March 2024	04	31 March 2024 (70%)	30 April 2024 (10%)	31 May 2024 (10%)	30 June 2024 (10%)	-	-
April 2024	03	30 April 2024 (80%)	31 May 2024 (10%)	30 June 2024 (10%)	-	-	-
May 2024	02	31 May 2024 (90%)	30 June 2024 (10%)	-	-	-	-
June 2024	01	30 June 2024 (100%)	-	-	-	-	-

Notes:

- The dealer can also deposit the principal tax in one go at any instant during the currency of the scheme.
- Default in payment of one installment shall be condoned on payment of default installment, along with the additional amount of 0.5% of the default installment for every day of default and shall be paid before the due date of the next installment.
- The condonation of default shall be allowed only once during the currency of this scheme.

Eligibility:

- Any dealer registered under any relevant Act, who makes the full payment of principal tax, shall be granted a waiver of 100% of arrears of penalty, excluding penalty levied u/s 10 A of the CST Act, 1956, and interest payable.
- The benefit of the scheme shall also be extended to the industrial unit registered under any of the relevant Acts.
- Where a dealer has filed an appeal or any application against the order or proceedings before any authority and disposal of such appeal/application is still pending, the dealer shall withdraw such appeal or other application by filing declaration on the portal <https://jkcomtax.gov.in/SROTAXES/>.

The dealer shall not be eligible to avail the benefits of this scheme where:

- The government has filed an appeal before the Jammu & Kashmir Appellate Tribunal;
- The government has filed an appeal or revision or any kind of application before the High Court or the Supreme Court;
- Any competent authority has initiated *suo-moto* revision proceedings as up to and on the date of this government order; or
- Any rectification is made after **30 June 2024**.

Procedure for filing and processing of applications:

- The application shall be submitted online on the portal <https://jkcomtax.gov.in/SROTAXES/>. The copy of the application shall be forwarded to the Deputy Commissioner State Taxes (Recovery) of the concerned division of the UT of Jammu and Kashmir within 7 days of filing the online application. In addition, the applications shall also be forwarded within 7 days from the receipt of applications to the jurisdictional circle officers for scrutiny.
- The officer shall scrutinise the application and inform the dealer about the discrepancies within 20 days from the date of receipt of the application.
- After receipt of information, the applicant dealer shall pay the balance amount of tax to avail the benefits of this scheme within 15 days.
- The balance amount due shall be paid in accordance with the time period mentioned in the discrepancy notice.
- If the applicant-dealer is found eligible, the officer shall pass the order for waiving the balance amount of arrears on account of interest and penalty. The order of waiver shall be passed within 30 days from the date of making the full payment of principal tax.

Other terms and conditions:

- In case of any appeal, any amount paid at the time of filing such appeal or during the pendency of appeal shall be eligible for adjustment towards the arrears of tax outstanding for the assessment year for which the benefit of waiver is claimed.
- However, the dealer shall not be eligible for refund of any amount that may become excess as a result of such adjustment.
- Any amount, already paid towards penalty or interest imposed/levied under the relevant Acts before the issuance of this order, shall neither be refunded nor adjusted in any manner.

Any dealer, feeling aggrieved by the rejection of the amnesty application, will have an opportunity of presenting the case before the concerned officer within a period of 15 days from the date or receipt of communication regarding the rejection.