

CHAPTER – IV

18. Registration of dealers, amendment and cancellation of registration certificate

Registration of dealer:-

- (1) Every application under sub-section (2) of Section 31 of the Meghalaya VAT Act shall be made in Form 1 to the appropriate registering authority.
- (2) Every application shall be made, signed and verified in the case of a business carried on by (a) an individual, by the proprietor or by a person having due authority to act on behalf of such proprietor; (b) a firm, by partners thereof; (c) a Hindu Undivided Family (HUF), by the Head of the family or an adult member thereof; (d) a body corporate (including a company, a co-operative society, or a corporation or a local authority), by a Director, Manager, Secretary or the Principal Officer thereof or by a person duly authorized to act on its behalf; (e) an association of individuals to which sub-clause (b), (c) or (d) does not apply, by the Principal Officer thereof or person managing business.
- (3) The person signing and verifying an application for registration shall specify the capacity in which he does so, and shall whenever possible give particulars of the authority vested in him for signing and verifying the application.
- (4) Every person signing and verifying an application for registration in the capacity specified in sub-clause (a), (b), (c) or (d) of sub-rule (2) shall also furnish with the application two recent passport sized photographs.
- (5) The photographs should be signed before the appropriate registering authority when he is called upon to do so, whenever the photograph is furnished.
- (6) Every dealer other than corporate body residing outside the State but carrying on business in the State and liable to get himself registered and every manager or agent of a non-resident dealer, shall also furnish residential address in the State (in which such dealers ordinarily reside) obtained from the local authority of that State.
- (7) The appropriate registering authority receiving the application, shall, if he is satisfied, after making such enquiry as he thinks fit, that the particulars contained in the application are correct and complete, register the dealer and grant him a certificate of registration under sub-section (3) of Section 31 of the Act in Form 2 and also a copy of such registration certificate in respect of place/places other than the principal place of business mentioned therein. Such certificate should be held by the dealer subject to the provisions of the Act and these rules and the restrictions and conditions specified in the certificate.
- (8) Every registration certificate granted under sub-section (3) of Section 31 of the Act and read with this Rule shall be deemed to have been granted personally to the dealers specified therein. No registration certificate shall be sold or transferred.
- (9) The certificates granted under this Rule shall be exhibited at a conspicuous place within the premises of the principal place of business mentioned in the certificate

and a copy of such certificate shall also be exhibited at a conspicuous place within the premises of every other place of business mentioned in the certificate.

(10) Every registered dealer who discontinues or transfers his business otherwise gets his registration certificate cancelled shall forthwith surrender to the appropriate registering authority the certificate of registration and the copies thereof, if any, granted to him.

19. Grant of duplicate copy of registration certificate (Section 31)

Where a registration certificate granted under these rules is lost, destroyed, defaced or mutilated, the appropriate registering authority shall on application and on payment of a fee of rupee fifty per copy, grant a duplicate registration certificate. Such certificate shall be stamped "*Duplicate*" in red ink.

20. Amendment of registration certificate

Where any registered dealer on the occurrence of any event of any other provision of the Act makes an application for amendment of his registration certificate, the appropriate registering authority, if it is satisfied after making such enquiry as it may think necessary, that the information furnished by the applicant is correct, shall amend the registration certificate of the applicant under sub-section (6) of Section 31.

21. Information on the death of a dealer

When any dealer dies, his legal representative shall, within thirty days of his death, inform the appropriate registering authority about it in writing.

22. Replacement of certificate of registration under the earlier sales tax law

In respect of a dealer already registered under the Repealed Acts and prior to the appointed day, the appropriate registering authority shall issue a fresh certificate of registration, on receipt of application for registration in Form 1 in replacement of the existing certificate of registration. However, in cases where fresh certificate of registration cannot be granted immediately, the appropriate registering authority may permit such dealer to continue to remain as registered dealer liable under the Meghalaya Value Added Tax Act, 2005 till the dealer is registered formally within one hundred twenty days from the date of receipt of such application and beyond that with the permission of the next higher authority.

23. Cancellation of registration certificate under sub-section (8) of Section 31.

A dealer may apply to the appropriate registering authority in Form 51 for the cancellation of his registration certificate on any of the grounds mentioned in clause **a,b,c,d,e,f** and **g** of sub-section (8) of Section 31. If the application is on the ground mentioned in any clause of sub-section (8) of Section 31 he shall also tender along with the application the registration certificate together with certified copies thereof, if any. On the receipt of such application, the appropriate registering authority shall, if it is satisfied after making such enquiries as it deems necessary, that the application is correct, cancel the registration certificate. The cancellation of Registration Certificate shall take effect from the date of discontinuance or transfer of business or the date of communication of order to the dealer.

24. For the purpose of sub-section (1) and sub-section (8) of Section 31, the following conditions and restrictions shall apply:-

- i) The dealer shall deal in goods taxable under the Act.
- ii) The dealer must carry on his business in a regular course within the state.
- iii) The dealer shall maintain all necessary books of accounts as provided in the Rules.
- iv) The dealer shall apply for compulsory registration before the appropriate registering authority in Form 1
- v) The dealer shall apply for cancellation of the compulsory registration in the event of his intention to discontinue such registration before the appropriate registering authority by tendering such reasons thereof in writing.

25. Security to be furnished

- (1) Where the appropriate registering authority is of the opinion that a dealer who has been registered or has applied for registration should furnish security or additional security for the proper payment of tax payable by him, the said officer may direct him in writing to furnish within such time as may be specified by such officer, security for an amount not exceeding the amount equivalent to tax anticipated to be payable in a year or paid in any previous year. For the purpose of determining the amount of security, the appropriate registering authority shall take into account the taxable turnover of the dealer, if any, at the time of such determination, the nature of goods dealt in by him and such other factors as may in the opinion of the said officer appear necessary in making a proper determination.

Provided that the appropriate registering authority shall have power to demand at any time additional security if he has reason to believe that the security fixed was insufficient or for any other reasons to be recorded in writing.

- (2) Such security may be furnished by the dealer in any ways, namely –
 - (a) by depositing as security in the State Bank of India or any other banks authorized by the State Government, the amount fixed by the appropriate registering authority.
 - (b) by furnishing with the said officer a guarantee from a nationalized bank agreeing to pay the State Government on demand the amount of security fixed by the appropriate registering authority.
 - (c) by furnishing National Savings Certificate.
- (3) The security furnished may, in the event of default of payment of any tax, penalty or other amount due, be adjusted towards such tax penalty or other amount. The appropriate registering authority may in any case where adjustment has been made, demand fresh security or additional security to makeup the amount adjusted towards the tax, penalty or other dues.

26. Imposition of penalty for failure by the dealer to get himself registered

For the purpose of sub-section (2) of Section 56, the notice of demand in respect of penalty levied shall be in Form 10.

27. Information to be furnished under Section 103

- (1) The information required to be furnished under Section **103** of the Act in respect of any change in the business of the dealer including the sale of or transfer of the business will be in Form **11&12** to the appropriate registering authority within fourteen days of the occurrence of the event in respect of which the information is to be furnished.
- (2) The information required to be furnished under Section **103** of the Act in respect of transfer of the business shall also require the transferee or the lessee to furnish information to the appropriate registering authority within fourteen days of the transfer/lease about the transfer or the lease in Form **11&12**. The transferee of the lessee shall for all purposes of the Act (except for liabilities under the Act already discharged by the transferor) be deemed to be and to have always been registered as if the certificate of registration originally issued to the transferor (dealer) had initially been granted to the transferee or the lessee and such transferee and lessee shall be entitled to apply to the appropriate registering authority for amendment of the Certificate of Registration within the time prescribed as above.
- (3) In the event of closure of business or of cessation of liability to pay tax by a registered dealer, he shall apply before the appropriate registering authority for cancellation of registration in Form **13** within fourteen days from the date of occurrence.

28. Manner of suspension of registration certificate under sub-section (10) of Section 31

In the events of failure to pay any tax, interest, penalty or any sum payable under this Act or on failure to furnish return, the certificate of registration of a dealer shall be suspended after affording a reasonable opportunity to the dealer of being heard and the reasons of such suspension shall be recorded in writing. The dealer shall be intimated of such suspension with reasons thereof and such intimation shall be published in the official gazette and in the leading newspaper of the State. Such dealer shall not be entitled to issue tax invoice in respect of sales made by him or to receive tax invoice at the time of purchase of taxable goods during the period of such suspension of registration certificate.

29. Liability to obtain registration and to furnish information by transporter under Section 80.

- (1) Every transporters liable for registration under Section **80**, shall submit to the appropriate registering authority, a single application for registration of his principal place of his business and all the branches in the State, within sixty days from the commencement of these rules, if he was carrying on business on such date and within thirty days of commencement of business, if he commences business after publication of these rules.
- (2) An application shall be made in Form **14**.

- (3) An application for registration shall be signed and verified in case of
- (a) an individual, by the proprietor of the transport business.
 - (b) a partnership firm, by the managing partner of the firm.
 - (c) a Hindu undivided or joint family, by the karta of the family.
 - (d) a company, by the Managing Director or the Secretary or the Manager of the Principal Officer of the Chief Executive Officer of the Company.
- (4) The person making application for registration under sub-rule (2) shall submit two copies of his/her attested passport size recent photograph along with the application for registration, one copy of which shall be affixed at the space at the top right hand corner of the certificate of registration issued and sealed with the round seal of the office of the appropriate registering authority and the other copy shall be affixed in the register of certificate against the name of the concerned transporter, carrier of transporting agent.
- Provided that no photograph shall be required to be affixed on the copies of the certificate for the branches, if any.
- (5) When the appropriate registering authority is satisfied after making such enquiry as he thinks fit, that the particulars contained in the application are correct and complete and the fee payable along with an application of registration under these Rules has been paid, he shall register the applicant and grant him a Certificate of Registration in Form 15 and also an extra copy of such certificate for each branch within the State, inscribing on each such extra copy the name of the branch for which it is issued.
- (6) The Certificate of Registration granted under sub-rule (5) shall be kept at the principal place of business and displayed at the conspicuous place, and each extra copy of such Certificate granted for the branches under the said sub-rule shall be kept in the respective branch and displayed at the conspicuous place of the branch.
- (7) Whenever, for any reason, there is a change in the particulars furnished in the application for registration, the transporter, carrier or transporting agent shall, within fourteen days from the date of such occurrences, submit an application to the appropriate registering authority together with the Certificate of Registration and copies thereof for the branches, if any, for necessary amendment, and the appropriate registering authority may, if he is satisfied, make necessary amendment in the Certificate of Registration and the copies thereof.
- (8) The appropriate registering authority shall maintain the Register of Certificate in Form 16.
- (9) When a registered transporter, carrier or transporting agent closes down his business within the state, he shall apply within thirty days from the date of closure of his business on a plain paper to the appropriate registering authority for cancellation of his registration and surrender the Certificate of Registration and the copies thereof for the branches, if any.

The appropriate registering authority, if satisfied after such enquiry as may be necessary that the transporter, carrier or the transporting agent has really closed down his business, and there is no outstanding liability against him or no proceeding

pending against him, shall cancel the Registration and deface properly the Certificate of Registration and the copies thereof.

- (10) The appropriate registering authority shall cancel the Certificate of Registration when the business in respect of which the Certificate was issued has been discontinued and there is no outstanding liability against the transporter, carrier or transporting agent and no proceeding is pending against him.
- (11) Every registered transporter, carrier or transporting agent shall keep correct and complete account of his daily transactions.
- (12) The registered transporter, carrier or transporting agent shall submit a monthly statement of goods transported and delivered into Meghalaya in Form **17** and a monthly statement of goods transported outside Meghalaya in Form **18** to the appropriate registering authority within 15 days of the following month.
- (13) The appropriate registering authority shall have the power to call for and examine the books of accounts, other documents and records in possession of a transporter, carrier or transporting agent for the purpose of verifying the correctness of the statements, submitted under sub-rule (11) or for any other purpose and the transporter, carrier or the transporting agent shall be bound to furnish the books of accounts or other documents when so called for.
- (14) No registered transporter, carrier or transporting agent shall deliver any consignment of goods taxable under the Act without countersignature of the consignment note, bill or invoice by the appropriate registering authority.