BEFORE THE CHAIRMAN, ODISHA SALES TAX TRIBUNAL: KATAKA

S.A. No. 43(C) of 2019

(Arising out of order of the learned Joint Commissioner of Sales Tax (Appeal), Bhubaneswar Range, Bhubaneswar in Appeal Case No. AA-107221722000128, disposed of on 24.12.2018)

Present: **Shri G. Sharma, Chairman**

M/s. Tribal Co-operative Marketing
Development Federation of India Ltd.,
Plot No. A-104, Saheed Nagar,
Bhubaneswar, Khordha-751007. ... Appellant

-Versus-

State of Odisha, represented by the
Commissioner of Sales Tax, Odisha,
Kataka. ... Respondent

For the Appellant : Mr. M.K. Karna, Advocate
For the Respondent : Mr. N.K. Rout, Addl. S.C. (CT)

Date of hearing: 17.08.2026 *** Date of order : 10.09.2026

O R D E R

Challenging the legality and propriety of order dated 24.12.2018 passed by the Joint Commissioner of Sales Tax (Appeal), Bhubaneswar Range, Bhubaneswar (hereinafter referred to as 'First Appellate Authority') in Appeal Case No. AA-107221722000128, this appeal has been filed by M/s. Tribal Co-operative Marketing Development Federation of India Ltd. (hereinafter referred to as 'Dealer').

2. The brief facts relevant for disposal of this appeal run thus–

The Dealer, a Central Government undertaking, deals in mostly tribal handicrafts goods and effects transfer of goods to different branches in India. The Deputy Commissioner of Sales, Bhubaneswar II Circle, Bhubaneswar (hereinafter referred to as 'Assessing Authority') in provisional assessment proceeding u/r.12(1) of the Central Sales Tax (Odisha) Rules, 1957 (in short, 'CST(O) Rules') for the tax period 01.04.2011 to 31.03.2012 found that the Dealer has not furnished the required declarations in Form 'F' of ₹27,65,295.00 against the claim of branch transfer of goods to the tune of ₹47,82,191.00, accordingly, completed the assessment and raised a demand of ₹1,10,612.00 towards tax for the period under assessment. Being aggrieved with the order of assessment, the Dealer preferred first appeal before the First Appellate Authority. The First Appellate Authority on the ground of failure to produce the documentary evidence in original supporting the 'F' form filed in assessment stage as well as absence of the Dealer during the appeal hearing, confirmed the order of assessment and dismissed the appeal, hence this appeal.

3. The State filed cross-objection.

4. Learned Counsel appearing on behalf of the Dealer submitted that due opportunity was not granted by the authorities below to submit the required declaration forms and now before this forum, he furnished one original declaration in Form 'F' bearing No. KA-F-0128066 for ₹3,13,119.50 issued by the Regional Manager, TRIFED, Bangalore for the claim of branch transfer for the impugned period, accordingly prayed for acceptance of the same for the ends of justice. Further, he filed copy of letter showing receipt of 'F' form filed by the Dealer during assessment and submitted that the Assessing Authority may be directed to accept the 'F' form amounting to ₹23,92,916.50 which was not considered by the First Appellate Authority in appeal.

5. Per contra, learned Addl. Standing Counsel (CT) appearing for the State submitted that since the Dealer failed to submit the required declaration forms despite sufficient opportunities, the authorities below though assessed the tax liability of the Dealer but did not levy interest thereon as per statutory provision as well as settled law. Further, he submitted that the 'F' form produced before this forum requires due verification by the Assessing Authority.

6. Admittedly, in the present case, the Dealer could not able to produce the required declarations in form 'F' for the claim of exemption u/s.6A of the CST Act before the Assessing Authority and First Appellate Authority, as a result, the authorities below computed tax liability without interest for the period under assessment.

7. Notably, the statutory declaration forms are supplied to the seller by the dealer outside the State, which is beyond the control of the seller. The Dealer filed one no. of 'F' form for the claim of exemption u/s.6A of the CST Act for the period under assessment before this Tribunal and if the said statutory form is not accepted, the Dealer shall be prejudiced. Therefore, this Tribunal feels it proper to remand the matter to the Assessing Authority with a direction to the Dealer to furnish the required 'F' form in original before the Assessing Authority as the original form has already been returned to the Dealer keeping xerox copy thereof in the record. Further, it is directed that the 'F' form of ₹23,92,916.50 filed in assessment stage, as revealed from the letter dtd.02.05.2013 be considered by the Assessing Authority on remand. The Assessing Authority shall verify all such statutory forms and accept the same, if found to be proper, and recomputed the tax and interest liability of the Dealer as per law.

8. In the result, the appeal filed by the Dealer stands allowed and the order of the First Appellate Authority is hereby set aside. The

matter is remitted back to the Assessing Authority for recomputation of tax liability along with interest for the period under assessment as per law keeping in view the observations made supra within a period of three months from the date of receipt of this order. Cross objection is disposed of accordingly.

Dictated & Corrected by me

Sd/-
(G. Sharma)
Chairman

Sd/-
(G. Sharma)
Chairman