



DXY-5975

P. G. Diploma in Tax Management Examination
April / May - 2016
Law of Indirect Taxes : Paper - III

Time : 3 Hours]

[Total Marks : 70

Instructions :

(1)

નીચે દર્શાવેલ નિશાનીવાળી વિગતો ઉત્તરવહી પર અવશ્ય લખવી. Fillup strictly the details of signs on your answer book.	Seat No. :
Name of the Examination :	<input type="text"/>
P. G. DIPLOMA IN TAX MANAGEMENT	<input type="text"/>
Name of the Subject :	<input type="text"/>
LAW OF INDIRECT TAXES : PAPER - 3	<input type="text"/>
Subject Code No. : <input type="text"/> 5 <input type="text"/> 9 <input type="text"/> 7 <input type="text"/> 5	Section No. (1, 2,.....): <input type="text"/> 1&2
	Student's Signature

- (2) Figures to the right indicate full marks of a question.
(3) Precise and to the point answers are expected.

SECTION - I

(Gujarat Value Added Tax Act and Rule Central Sales Tax Act and Rule)

- 1 (a) List out the goods which are eligible at concessional rate on submission of Form C under CST Act. 5
(b) Explain the provision of rectification of mistakes under GVAT Act, 2003. 5
- 2 (a) Under what circumstances certificate of registration can be cancelled under CST Act ? 5
(b) Explain the provision of "Turnover escaping assessment" as per GVAT Act, 2003. 5
- 3 (a) Explain the term "Returns" under section 29 of GVAT and state the penalty on failure to furnished return within the prescribed date. 5

- (b) What is stock transfer/branch transfer ? Explain when stock transfer will be treated as interstate sale under CST with example. 5

OR

- 3 (a) Explain the provisions of Credit and Debit Notes under section 61 of the GVAT Act. 5
- (b) Discuss on determination of taxable Turnover and deductions from it. 5
- 4 (a) Explain when a sale or purchase of goods can be said to have been taken place in course of Import and Export. 6
- (b) In a return period, M/s ABC Limited purchased goods from local suppliers for Rs. 5,00,000/- and paid Input Vat for Rs. 25,000/-. They sold the goods for Rs. 6,00,000/- within the same state and charged Rs. 30,000/- as Output Vat. They also sold the goods out of state for Rs. 1,00,000/- and charged Central Sales Tax (CST) @ 2% i.e. Rs. 2,000/-. Calculate the tax liability of the firm. 4

OR

- 4 (a) Discuss the provision of refund, provisional refund and interest on refund under GVAT Act. 6
- (b) There are two dealers from U.P. Mr. A and Mr. B. Mr. A entered into an agreement with Mr. B. Under the agreement, food grains were dispatched by Mr. A to place outside the state. Railway receipt was obtained in the name of self i.e. Mr. A himself. The Railway receipt was endorsed by A to B. Will this amount to interstate sale or not, discuss in detail. 4

SECTION - II

(Excise, Customs and Service Tax Act)

Q. 5 is compulsory.

- 5 (a) Explain in detail the provisions related with assessment procedure under service tax. 5
- (b) When is it obligatory to get registered under the Central Excise Act, 1944 ? 5

- 6 (a) Explain the provision of power to search persons under section 100 of the Customs Act, 1962. 6
(b) Which are main conditions of having “Goods” as per Central Excise Act ? Explain in detail. 4

OR

- 6 (a) What are the appealable orders before Commissioner (Appeals) ? Explain the procedure of filing appeals to Commissioner (Appeals) under Custom Act, 1962. 6
(b) What is “Manufacture” as per Central Excise Act, 1944 ? 4
- 7 (a) Answer the following questions : 6
(1) Can it be said that if the taxable service is not capable of ascertainment the same cannot form part of value of taxable services ?
(2) How is the value of taxable services determined when the consideration against taxable services is received in other than monetary terms ?
(b) What are the basic conditions for payment for Excise duty ? 4

OR

- 7 (a) Examine the following with reference to the Customs Act, 1962 : 4
(a) Whether criminal prosecution would lie against the company before court of law ?
(b) To what extent are directors of company responsible for offences committed by a company ?
(b) Write a note on special audit under service tax law. 3
(c) Who is empowered to make arrest under the customs act and on what grounds ? 3