

**OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES: ORISSA;
CUTTACK**

No. **3229** /CT
IV(II)8/06

Dated 16-02-10

To

The Addl. Commissioners of Commercial Taxes
(in-charge of Zones)/
The Joint Commissioners of Commercial Taxes/
The Asst. Commissioners of Commercial Taxes
all Ranges of C.T. Deptt.

Sub: Stay order dtd. 03.02.10 of Supreme Court passed in State of Orissa Vs.
M/s Reliance Industries Ltd. (SLP (c) No. 14454-14778 of 2008.

Sir,

The aforementioned order of the Hon'ble Supreme Court of India passed on Orissa Entry Tax Act has already been circulated to you in your E-mail I.D. I hope, you must have gone through the order and must have prepared yourself for further action. The salient features of the order which are relevant to you are stated below:

1. Bhusan Steel & Strips Ltd. has been directed to pay a sum of Rs. 7.50 crores before 31st March 2010 towards arrear of tax held by it as on 30th September 2009. The said dealer will pay entry tax on an adhoc figure of Rs. 30.00 lakhs towards current liability commencing from 1st October 2009. The amount is payable on goods imported from outside State which are not manufactured within. The order does not cover entry tax payable on goods within the State or goods imported from other States which are manufactured within the State, in terms of para- 30 of the order of the High Court dtd. 18.02.08.
2. Bhusan Energy has been directed to pay a sum of Rs. 2.50 crores before 31st March 2010 towards arrear of tax held by it as on 30th September 2009. The dealer will pay entry tax on an adhoc figure of Rs. 10.00 lakhs towards current liability commencing from 1st October 2009. The amount is payable on goods imported from outside State which are not manufactured within. The order does not cover entry tax payable on goods within the State or goods imported from other States which are manufactured within the State, in terms of para- 30 of the order of the High Court dtd. 18.02.08
3. Vedanta Alumina has been directed to pay a sum of Rs. 3.50 crores before 31st March 2010 towards arrear of tax held by it as on 30th September 2009. The dealer will pay entry tax on an adhoc figure of Rs. 7.50 lakhs towards current liability commencing from 1st October 2009. The amount is payable on goods imported from outside State which are not manufactured within. The order does not cover entry tax

payable on goods within the State or goods imported from other States which are manufactured within the State, in terms of para- 30 of the order of the High Court dtd. 18.02.08

4. The Reliance Industries Ltd. has been directed to pay a sum of Rs. 62 lakhs before 31st March 2010 towards arrear of tax held by it as on 30th September 2009. The dealer will pay entire entry tax as per the return filed.
5. The rest of the dealer respondents have been directed to pay 1/3rd of arrear dues held by them as on 30th September 2009 before 31st March 2010. They are also directed to pay entry tax on imported goods from outside the State @ 1/3rd of their current liability.
6. The dealers who have not filed the writ petition before the Hon'ble High Court of Orissa and have not filed the Special Leave Petition before the Hon'ble Supreme Court of India against the order of the Hon'ble High Court of Orissa will be dealt with as per the provisions of the OET Act.
7. The dealers who have of late filed the intervention petitions before the Hon'ble Supreme Court seeking to be impleaded, have not been granted any relief and are not entitled to the benefits of the order dtd. 03.02.10. The State would be entitled to move against each of such applicants in accordance with the law.
8. The order is confined only to the dealers included in the List-A & List-B.
9. The Supreme Court has lifted stay on recovery imposed by it in earlier interim orders.
10. The order is confined to such goods which are imported from outside the State and are not manufactured within. The liability which falls outside of the above mentioned situation is recoverable as per law.

In the above circumstances, you are required to gear up the tax collection machinery to augment the collection of revenue on account of the Orissa Entry Tax Act, 1999.

Yours faithfully,

Sd/-

(**NIKUNJA B. DHAL, IAS**)

Commissioner of Commercial Taxes,
Orissa, Cuttack.