

CHAPTER-IV

CHAPTER IV

MOTOR VEHICLES TAX

4.1 Tax administration

The receipts from the Transport Department are regulated under the provisions of the Central and the State Motor Vehicle Acts and Rules made thereunder and are under the administrative control of the Transport Department. The Transport Department collects motor vehicle taxes, fees and fines through the State Transport Authority (STA), Public Vehicle Department (PVD), Kolkata and Registering Authorities (RAs) comprising of Regional Transport Officers (RTOs) at the district level and Additional Regional Transport officers (ARTOs) at the Sub-Divisional level.

4.2 Results of audit

In 2014-15, test check of the records of 15 units relating to road tax, additional tax, special tax, special fee, dealer's tax, permit fee and penalties showed underassessment of tax and other irregularities involving ₹ 237.82 crore in 118 cases, which fall under the following categories in the **Table 4.1**.

Table 4.1

(₹ in crore)

| Sl. No. | Categories | Number of cases | Amount |
|---------|---|-----------------|---------------|
| 1. | Non-realisation of | | |
| | • Tax, additional tax, special fees and penalty | 14 | 213.54 |
| | • Dealer's tax | 14 | 15.31 |
| | • Permit fee and fine | 15 | 6.56 |
| | • Special tax and penalty | 13 | 0.07 |
| 2. | Short realisation of | | |
| | • Fines for delayed production of vehicles for Certificate of Fitness | 14 | 1.19 |
| | • Road tax | 23 | 0.97 |
| 3. | Other cases | 16 | 0.12 |
| | Total | 118 | 237.82 |

During the course of the year, the Department accepted non-realisation/blockage of revenue and other deficiencies of ₹ 149.81 crore in 117 cases, of which 37 cases involving ₹ 144.98 crore were pointed out in audit during the year 2014-15 and the rest in earlier years. An amount of ₹ 30.11 lakh was realised in 22 cases at the instance of audit.

A few illustrative cases involving ₹ 230.31 crore are discussed in the following paragraphs.

4.3 Non-realisation of tax, additional tax, penalty and special fees due to non-maintenance of Tax Demand Register

Section 3 of the West Bengal Motor Vehicles Tax (WBMVT) Act, 1979 and Sections 3 and 4 of the West Bengal Additional Tax and One-time Tax on Motor Vehicles (WBAT & OTMV) Act, 1989 respectively prescribe the rates of tax and additional tax on vehicles. Further, Section 11 of the WBMVT Act and Section 10 of the WBAT & OTMV Act provide for imposition of penalty in case of non-payment of taxes. Moreover, Rule 26 of the West Bengal Motor Vehicles Tax (WBMVT) Rules, 1957 prescribes that the tax officer shall maintain a Tax Demand Register (TDR) in Form 'J' showing registration number, name and address of the owner, tax due etc. and shall review the register in order to see whether the tax is regularly paid and shall take prompt action against the person concerned who has not paid the tax. In addition, Rule 121 of the West Bengal Motor Vehicles (WBMV) Rules, 1989 prohibits plying of heavy goods vehicles having gross vehicle weight (GVW) above 22,542 kg within the State. However, the Government relaxed this restriction and permitted plying of such vehicles on payment of a special fee at varying rates⁷⁵ depending on the GVW.

During analysis of data of 14 Registering Authorities (RAs) between December 2013 and March 2014, Audit found that the VAHAN⁷⁶ software had no provision for maintenance of TDR for monitoring the payment of taxes due. The RAs also did not maintain prescribed TDRs in manual form. There was neither any provision in the software to automatically generate a report containing the information required in the TDR, even though the information was scattered through different tables created in the software. By analysing the information available in the tables relating to payment of different kinds, Audit was able to calculate the penalty leviable and observed that non-maintenance of the TDRs in the changed scenario of IT environment deprived the department from monitoring and taking necessary action. Audit observed that 92,136 owners of vehicles did not pay tax, additional tax and penalty of ₹ 201.29 crore during 2010-13, though their vehicles were plying on roads which was evident from records of payment of fitness fee. Audit also found that out of 92,136 vehicles, owners of 3,163 vehicles having GVW more than 22,542 kg did not pay special fee of ₹ 93.09 lakh. Thus, non-maintenance of TDRs led to non-realisation of tax, additional tax, penalty and special fee of ₹ 202.22 crore as detailed in the following table:

⁷⁵ Ranging between ₹ 3,000 and ₹ 13,000 per annum as per GVW vide Government Order No. 2160-WT/3M-121/85, dated 22 February 1991.

⁷⁶ VAHAN - software used by the Transport Department for registration of vehicles and collection of taxes and fees thereof.

Table 4.2 - Non-realisation of tax, additional tax, penalty and special fee

(₹ in lakh)

| Sl. No. | Name of the RA | Tax, additional tax and penalty | | Special fee | | Total amount of non-realisation |
|---------|---|---------------------------------|--------------------------|----------------------------|---------------------------|---------------------------------|
| | | No. of defaulting vehicle | Amount o non-realisation | No. of defaulting vehicles | Amount of non-realisation | |
| 1. | Alipur | 23,907 | 6,905.00 | 101 | 3.12 | 6,908.12 |
| 2. | Alipurduar | 1,199 | 166.36 | 15 | 0.38 | 166.74 |
| 3. | Asansol | 6,550 | 1,530.04 | 362 | 8.23 | 1,538.27 |
| 4. | Bankura | 2,123 | 168.78 | - | - | 168.78 |
| 5. | Barasat | 7,376 | 1,197.87 | 392 | 9.92 | 1,207.79 |
| 6. | Barrackpore | 5,192 | 1,163.99 | 372 | 8.45 | 1,172.44 |
| 7. | Burdwan | 12,243 | 1,861.42 | 757 | 24.70 | 1,886.12 |
| 8. | Darjeeling | 690 | 156.62 | - | - | 156.62 |
| 9. | Durgapur | 3,382 | 806.75 | 198 | 5.91 | 812.66 |
| 10. | Hooghly | 6,312 | 846.11 | 300 | 13.19 | 859.30 |
| 11. | Howrah | 5,004 | 646.78 | 148 | 3.31 | 650.09 |
| 12. | Public Vehicles Department (PVD), Kolkata | 10,344 | 3,593.24 | 44 | 0.79 | 3,594.03 |
| 13. | Siliguri | 5,432 | 761.42 | 236 | 7.61 | 769.03 |
| 14. | Tamluk | 2,382 | 324.46 | 238 | 7.48 | 331.94 |
| | Total | 92,136 | 20,128.84 | 3,163 | 93.09 | 20,221.93 |

In respect of tax, additional tax and penalty, RAs, Asansol, Bankura, Barasat, Darjeeling, Durgapur, Howrah and Siliguri admitted (between December 2013 and April 2015) the audit observations in 30,422 cases involving ₹ 52.57 crore and RA, Barasat also intimated realisation of ₹ 10.82 lakh in 261 cases. In respect of special fee, RAs, Asansol, Barasat, Burdwan, Durgapur, Howrah and Siliguri admitted (between December 2013 and April 2015) the audit observations in 2,093 cases involving ₹ 59.68 lakh.

In the remaining cases, the RAs did not furnish any specific reply (October 2015). However, the major point in audit observation regarding the inadequacy of VAHAN software has not been replied to.

The cases were reported to the Government between January and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.4 Non-realisation of permit fee

Section 66 of the Motor Vehicles (MV) Act, 1988 provides that the owner of a transport vehicle can use his vehicle in a public place only after obtaining a permit from the prescribed authority. Further, Rules 126 and 127 of the

WBMV Rules, 1989 prescribe that fees for application and grant/renewal of permit in respect of different kinds of vehicles are realisable as per rates specified in Schedule-A of the Rules.

From scrutiny of permit registers and analysis of data of 10 RAs, Audit found between December 2013 and March 2014 that 15,543 public transport vehicles plied with expired permits during 2010-13. Audit also noticed that owners of those vehicles were paying fitness fees and road taxes which was indicative of those vehicles being on road. However, the RAs did not realise permit fees from them. This resulted in non-realisation of permit fee of ₹ 12.75 crore as detailed in the following table:

Table 4.3 – Non-realisation of permit fee

(₹ in lakh)

| Sl. No. | Name of the RA | No. of vehicles | non-realisation of permit fee |
|--------------|----------------|-----------------|-------------------------------|
| 1. | Alipur | 778 | 58.26 |
| 2. | Bankura | 58 | 4.34 |
| 3. | Barasat | 1,648 | 116.11 |
| 4. | Burdwan | 4,229 | 353.16 |
| 5. | Darjeeling | 371 | 31.54 |
| 6. | Hooghly | 2,639 | 223.82 |
| 7. | Howrah | 85 | 8.35 |
| 8. | PVD, Kolkata | 464 | 32.52 |
| 9. | Siliguri | 2,741 | 232.99 |
| 10. | Tamluk | 2,530 | 213.93 |
| Total | | 15,543 | 1,275.02 |

RAs, Bankura, Burdwan, Hooghly, Howrah, Siliguri and Tamluk admitted (between December 2013 and June 2015) the audit observations in 5,393 cases involving ₹ 4.58 crore but did not furnish report on realisation except RA, Tamluk which intimated realisation of ₹ 1.16 lakh. In the remaining cases, the RAs, did not furnish any/specific reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.5 Non-realisation of dealer's tax and penalty

Section 3(2) of the WBMVT Act, 1979 prescribes that every dealer or manufacturer who keeps in his possession or control any motor vehicle shall pay dealer's tax on such motor vehicle at the time of its first registration at the rates specified in Part H of the Schedule appended to the Act. The description of motor vehicles in the Part H is (a) motor cycle (b) three wheelers (c) light motor vehicles (excluding motor cars and omnibuses with seats upto 14 and not registered as transport vehicle and tourist taxi, luxury taxi or contract

carriages with seats upto 14)⁷⁷ (d) medium motor vehicles, and (e) heavy motor vehicles including chassis. Further, Section 11(b)(iii) of the Act provides that in case of delay in payment of tax exceeding 60 days after the expiry of grace period of 15 days, penalty equal to the amount of tax payable is also realisable from a defaulting dealer.

During analysis of data of 14 RAs between December 2013 and March 2014, Audit found that out of 5,55,770 vehicles registered between 2010-11 and 2012-13, in case of 1,63,836 registered vehicles, dealer's tax and penalty of ₹ 6.72 crore was not realised from the dealers at the time of first registration of the vehicles.

It was noticed that the VAHAN software was not customised to make entries into the field "dealer's tax" mandatory for realisation of the dealer's tax at the time of first registration. This resulted in non-realisation of dealer's tax and penalty of ₹ 6.72 crore as detailed in the following table:

Table 4.4 – Non-realisation of dealer's tax and penalty

(₹ in lakh)

| Sl. No. | Name of the RA | No. of newly registered vehicles | No. of defaulter vehicles | Non- realisation of dealer's tax and penalty |
|---------|----------------|----------------------------------|---------------------------|--|
| 1. | Alipur | 76,462 | 20,424 | 89.13 |
| 2. | Alipurduar | 10,196 | 3,480 | 13.97 |
| 3. | Asansol | 19,472 | 8,264 | 33.76 |
| 4. | Bankura | 32,656 | 8,784 | 35.74 |
| 5. | Barasat | 37,044 | 23,060 | 92.42 |
| 6. | Barrackpore | 22,714 | 10,774 | 43.12 |
| 7. | Burdwan | 50,908 | 14,656 | 62.40 |
| 8. | Darjeeling | 529 | 34 | 1.00 |
| 9. | Durgapur | 35,754 | 7,570 | 30.38 |
| 10. | Hooghly | 98,839 | 17,504 | 70.66 |
| 11. | Howrah | 29,231 | 16,254 | 65.14 |
| 12. | PVD, Kolkata | 51,796 | 13,870 | 57.89 |
| 13. | Siliguri | 58,444 | 10,915 | 43.80 |
| 14. | Tamluk | 31,725 | 8,247 | 33.01 |
| | Total | 5,55,770 | 1,63,836 | 672.42 |

RAs, Bankura, Burdwan, Darjeeling, Howrah and Siliguri admitted (between December 2013 and January 2015) the audit observations in 34,453 cases involving ₹ 1.43 crore; but did not furnish any report on realisation.

RA, Howrah stated (December 2013) in 16,190 cases that the vehicles were motor cycles/two wheelers registered during September 2012 to March 2013 and need not pay dealer's tax as per the notification dated 10.08.2012. The

⁷⁷ Substituted by Government notification No. 1181-L dated 10.08.2012 for the words "light motor vehicles".

reply is not tenable as the amendment has been made only in item (c) of Part H which deals with the light motor vehicles only.

In the remaining cases, the RAs did not furnish any specific reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto October 2014; their reply has not been received (October 2015).

4.6 Non-realisation of special tax from air-conditioned vehicles

Section 3 of the WBMVT Act, 1979 and Sections 9B and 10 of the WBAT & OTMV Act, 1989 provide for realisation of special tax from air-conditioned vehicles at the prescribed rates based on their use, seating capacity, engine capacity and category of the vehicle. Further, Section 11 of the WBMVT Act and Section 10 of the WBAT & OTMV Act provide for imposition of penalty in case of non-payment of taxes.

During analysis of data of 13 RAs between December 2013 and March 2014, Audit found that out of 4,92,379 air-conditioned vehicles, owners of 21,912 vehicles did not pay the special tax for different periods between 2010-11 and 2012-13. However, the concerned RAs did not monitor such non-payments and did not issue demand notices to the defaulters for realisation of dues. The VAHAN system is not customised to generate the list of such defaulters regularly at periodic intervals so as to facilitate such monitoring, neither were the authorities undertaking any data analysis to detect such cases. This led to non-realisation of special tax and penalty of ₹ 4.77 crore as detailed in the following table:

Table 4.5 - Non-realisation of special tax

(₹ in lakh)

| Sl. No. | Name of the RA | Total no. of air-conditioned vehicles | No. of defaulter vehicles | Amount of non-realisation |
|---------|----------------|---------------------------------------|---------------------------|---------------------------|
| 1. | Alipur | 51,153 | 12,684 | 315.32 |
| 2. | Alipurduar | 2,071 | 73 | 1.58 |
| 3. | Asansol | 21,158 | 283 | 6.25 |
| 4. | Bankura | 3,137 | 81 | 2.06 |
| 5. | Barasat | 28,219 | 148 | 1.82 |
| 6. | Barrackpore | 29,893 | 319 | 2.93 |
| 7. | Burdwan | 9,887 | 231 | 6.10 |
| 8. | Durgapur | 14,208 | 171 | 5.10 |
| 9. | Hooghly | 15,665 | 675 | 74.89 |
| 10. | Howrah | 15,577 | 1,012 | 14.34 |
| 11. | PVD, Kolkata | 2,68,371 | 5,936 | 34.71 |
| 12. | Siliguri | 27,577 | 108 | 4.29 |
| 13. | Tamluk | 5,463 | 191 | 7.67 |
| | Total | 4,92,379 | 21,912 | 477.06 |

RAs, Asansol, Bankura, Barasat, Burdwan, Howrah and Siliguri admitted (between December 2013 and April 2015) the audit observations in 1,863 cases involving ₹ 34.86 lakh; but did not furnish any report on realisation. In the remaining cases, the RAs did not furnish any/specific reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.7 Non-realisation of audio and video fee

Schedule-F to Rule 218(7) of the WBMV Rules, 1989 provides for realisation of (a) annual audio fee at prescribed rates for installation of radio set, gramophone, tape recorder, cassette recorder or any kind of apparatus producing sound effect or voice; and (b) annual video fee at prescribed rates for installation of video set, television set, or any other apparatus, to display any object on the screen with or without amplification of any sound or voice in the motor vehicles.

During analysis of data of 13 RAs between December 2013 and March 2014, Audit found that in case of 49,723 vehicles, audio/video sets were found installed but the audio/video fee could not be realised from the owners of these vehicles as the VAHAN software was not customised to make entries in the field “audio/video fee” mandatory for realisation of the fee at the time of payment of road tax. This resulted in non-realisation of audio and video fee of ₹ 2.02 crore during the period from 2010-11 to 2012-13 as detailed in the following table:

Table 4.6 - Non-realisation of audio and video fee

(₹ in lakh)

| Sl. No. | Name of the RA | Audio fee | | Video fee | | Total | |
|--------------|----------------|---------------------------|----------------------|---------------------------|----------------------|---|---------------------------|
| | | No. of defaulter vehicles | Audio fee realisable | No. of defaulter vehicles | Video fee realisable | No. of defaulter vehicles ⁷⁸ | Amount of non-realisation |
| 1. | Alipur | 4,457 | 22.89 | 84 | 0.86 | 4,498 | 23.75 |
| 2. | Alipurduar | 476 | 2.10 | - | - | 476 | 2.10 |
| 3. | Asansol | 2,222 | 6.74 | - | - | 2,222 | 6.74 |
| 4. | Bankura | 131 | 0.61 | - | - | 131 | 0.61 |
| 5. | Barasat | 5,588 | 16.84 | 149 | 0.79 | 5,621 | 17.63 |
| 6. | Barrackpore | 12,481 | 37.87 | 132 | 0.66 | 12,491 | 38.53 |
| 7. | Burdwan | 1,118 | 5.00 | - | - | 1,118 | 5.00 |
| 8. | Durgapur | 418 | 2.16 | - | - | 418 | 2.16 |
| 9. | Hooghly | 5,691 | 41.24 | 48 | 0.62 | 5,698 | 41.86 |
| 10. | Howrah | 7,084 | 24.31 | 48 | 0.51 | 7,101 | 24.82 |
| 11. | PVD, Kolkata | 5,237 | 16.93 | - | - | 5,237 | 16.93 |
| 12. | Siliguri | 2,744 | 12.77 | - | - | 2,744 | 12.77 |
| 13. | Tamluk | 1,925 | 8.55 | 56 | 0.84 | 1,968 | 9.39 |
| Total | | 49,572 | 198.01 | 517 | 4.28 | 49,723 | 202.29 |

After Audit pointed out the cases, RAs, Bankura, Barasat, Burdwan, Howrah and Siliguri admitted (between December 2013 and April 2015) the audit observations in 16,715 cases involving ₹ 60.83 lakh. However, the RAs did not furnish any report on realisation. In the remaining cases, the RAs did not furnish any/specific reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.8 Short realisation of fitness fee

Rules 62 and 81 of the Central Motor Vehicles (CMV) Rules, 1989 prescribe that the owner of a transport vehicle shall make application and produce the vehicle for inspection for conducting test of fitness annually for the renewal of certificate of fitness (CF) after completion of two years of registration and pay fees at the prescribed rates. Further, Rule 57(6) of the WBMV Rules, 1989 provides that if the owner fails to produce the vehicle within the stipulated time, he shall be liable to pay 150 *per cent* of prescribed fee for conducting test of fitness.

During analysis of data of 14 RAs pertaining to period 2010-11 to 2012-13, Audit found that in case of 78,383 vehicles, the owners produced their

⁷⁸ It includes 366 vehicles having liability to pay both audio fee and video fee: RAs Alipur - 43, Barasat-116, Barrackpore-122, Hooghly-41, Howrah-31 and Tamluk-13.

vehicles belatedly for inspection for renewal of CF. RAs realised the fee for CF at normal rates instead of at 150 per cent of the fitness fee. This was due to non-mapping of provision in the VAHAN software regarding realisation of fee for CF at the higher rate of 150 per cent in case of delayed production of vehicles, which resulted in short realisation of fitness fee of ₹ 1.26 crore as detailed in the following table:

Table 4.7 - Short realisation of fitness fee

(₹ in lakh)

| Sl. No. | Name of the RA | No. of vehicles produced belatedly for inspection of fitness | Fee realisable (inclusive of application fee) | Fee realised (inclusive of application fee) | Short realisation |
|---------|----------------|--|---|---|-------------------|
| 1. | Alipur | 7,525 | 37.85 | 28.17 | 9.68 |
| 2. | Alipurduar | 1,345 | 7.59 | 5.06 | 2.53 |
| 3. | Asansol | 5,507 | 32.81 | 23.71 | 9.10 |
| 4. | Bankura | 2,096 | 10.90 | 8.04 | 2.86 |
| 5. | Barasat | 9,842 | 49.88 | 36.54 | 13.34 |
| 6. | Barrackpore | 7,982 | 49.04 | 35.36 | 13.68 |
| 7. | Burdwan | 8,510 | 52.60 | 38.25 | 14.35 |
| 8. | Darjeeling | 883 | 4.52 | 3.01 | 1.51 |
| 9. | Durgapur | 2,936 | 19.77 | 14.30 | 5.47 |
| 10. | Hooghly | 6,424 | 46.14 | 33.58 | 12.56 |
| 11. | Howrah | 3,897 | 20.86 | 15.21 | 5.65 |
| 12. | PVD, Kolkata | 9,035 | 70.85 | 59.96 | 10.89 |
| 13. | Siliguri | 8,049 | 49.38 | 32.92 | 16.46 |
| 14. | Tamluk | 4,352 | 30.02 | 21.74 | 8.28 |
| | Total | 78,383 | 482.21 | 355.85 | 126.36 |

RAs, Asansol, Bankura, Barasat, Burdwan, Darjeeling, Durgapur, Howrah and Siliguri admitted (between December 2013 and April 2015) the audit observations in 41,720 cases involving ₹ 68.74 lakh; but did not furnish any report on realisation. In the remaining cases, the RAs did not furnish any reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.9 Short realisation of one-time and life-time tax

The WBMVT Act, 1979 and the WBAT & OTMV Act, 1989 prescribe the rates of tax and additional tax on vehicles.

The WBAT & OTMV Act, 1989 was amended⁷⁹ in August 2012 and provisions were made for:

⁷⁹ Vide Government notification No. 1182-L dated 10.08.2012.

- (a) realisation of life-time tax or one-time tax at prescribed rates on motor cars and omnibuses (with seats upto 14 and not registered as transport vehicles);
- (b) realisation of life-time tax from owners of such vehicles registered in other States; and
- (c) rebate on life-time tax or one-time tax to non-air-conditioned (non-AC) vehicles having engine capacity upto 800 cc.

During analysis of data of nine RAs between January and March 2014, Audit found that one-time and life-time taxes of ₹ 38.83 lakh in place of ₹ 68.16 lakh were assessed and realised in case of 200 vehicles during the period from September 2012 to March 2013. This was due to realisation of life-time and one-time tax at rates lower than the prescribed rates in 123⁸⁰ cases, realisation of tax on annual basis instead of one-time or life-time tax in 47 cases, irregular rebate to AC vehicles in 26 cases, rebate to non-AC vehicles having engine capacity more than 800 cc in three cases and payment of one-time tax instead of life-time tax by the owners of the vehicles registered outside West Bengal in 10 cases due to improper mapping of the amendment in the WBAT & OTMV Act in the VAHAN software which resulted in short levy and subsequently short realisation of life-time and one-time tax of ₹ 29.33 lakh as detailed in the following table:

Table 4.8 -Short realisation of one-time and life-time tax

(₹ in lakh)

| Sl. No. | Name of the RA | No. of case | Amount of tax realisable | Amount of tax realised | Short realisation of tax |
|--------------|----------------|-------------|--------------------------|------------------------|--------------------------|
| 1. | Alipur | 10 | 2.66 | 1.64 | 1.02 |
| 2. | Asansol | 14 | 3.68 | 2.76 | 0.92 |
| 3. | Bankura | 7 | 2.25 | 1.87 | 0.38 |
| 4. | Barasat | 76 | 27.28 | 11.17 | 16.11 |
| 5. | Barrackpore | 33 | 8.92 | 6.16 | 2.76 |
| 6. | Burdwan | 3 | 3.92 | 0.80 | 3.12 |
| 7. | Darjeeling | 8 | 2.80 | 2.34 | 0.46 |
| 8. | PVD, Kolkata | 26 | 9.17 | 6.90 | 2.27 |
| 9. | Siliguri | 23 | 7.48 | 5.19 | 2.29 |
| Total | | 200 | 68.16 | 38.83 | 29.33 |

RAs, Bankura, Barasat, Darjeeling and Siliguri admitted (between December 2014 and April 2015) the audit observations in 114 cases involving ₹ 19.24 lakh; but did not furnish any report on realisation. In the remaining cases, the RAs did not furnish any reply (October 2015).

The cases were reported to the Government between February and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

⁸⁰ It includes nine cases of those vehicles where irregular rebate to AC vehicles were also allowed.

4.10 Non-realisation of showroom inspection fee

Under Rule 60A of the WBMV Rules, 1989, a vehicle shall be inspected at the time of first registration in the showroom/premises of the dealer or sub-dealer and a fee (ranging between ₹ 50 and ₹ 400) as prescribed in Schedule-A of the Rules shall be realised from the dealer or the sub-dealer.

During analysis of data of three RAs, Audit found that 2,01,543 new vehicles were registered during the period from 2010-11 to 2012-13; however, showroom inspection fee of ₹ 14.95 lakh was not realised in 11,580 cases. It was also noticed that the VAHAN software was not customised to make entries in the field "showroom inspection fee" mandatory for realisation of the fee at the time of first registration. This resulted in non-realisation of showroom inspection fee of ₹ 14.95 lakh as detailed in the following table:

Table 4.9 - Non-realisation of showroom inspection fee

(₹ in lakh)

| Sl. No. | Name of the RA | No. of new vehicles registered | No. of cases of non-realisation | Amount of non-realisation |
|--------------|----------------|--------------------------------|---------------------------------|---------------------------|
| 1. | Burdwan | 50,908 | 1,180 | 2.34 |
| 2. | Hooghly | 98,839 | 702 | 1.41 |
| 3. | PVD, Kolkata | 51,796 | 9,698 | 11.20 |
| Total | | 2,01,543 | 11,580 | 14.95 |

After the cases were pointed out, RA, Burdwan admitted (January 2014) the audit observations involving ₹ 2.34 lakh in 1,180 cases and stated that demand notices would be issued but did not furnish any report on realisation. In the remaining cases, the RAs did not furnish any specific reply (October 2015).

The cases were reported to the Government between January and April 2014 followed by reminders issued upto October 2014; their reply has not been received (October 2015).

4.11 Short levy of additional tax

Schedule-I appended to Section 3 of the WBAT & OTMV Act, 1989 prescribes levy of additional tax on the goods vehicles registered in other states and kept in West Bengal for use, at the rate of 80 per cent of the annual tax payable under the WBMVT Act, 1979.

During analysis of data of four RAs between January and March 2014, Audit found that in 850 cases of goods vehicles of other states, additional tax of ₹ 19.38 lakh were assessed and realised between April 2011 and March 2013. On further analysis, Audit found that the additional tax was assessed by the VAHAN software at rates below the prescribed rate of 80 per cent of tax payable under the WBMVT Act, 1979 due to improper mapping of Section 3 of the WBAT & OTMV Act, 1989 in VAHAN which resulted in short levy and realisation of ₹ 12.75 lakh as detailed in the following table:

Table 4.10 – Short levy of additional tax

(₹ in lakh)

| Sl. No. | Name of the RA | No. of vehicles | Amount of additional tax leviable | Amount of additional tax levied | Short levy of additional tax |
|--------------|----------------|-----------------|-----------------------------------|---------------------------------|------------------------------|
| 1. | Asansol | 715 | 21.38 | 13.71 | 7.67 |
| 2. | Bankura | 30 | 4.40 | 1.71 | 2.69 |
| 3. | Burdwan | 48 | 1.74 | 1.09 | 0.65 |
| 4. | Siliguri | 57 | 4.61 | 2.87 | 1.74 |
| Total | | 850 | 32.13 | 19.38 | 12.75 |

After Audit pointed out the cases, RAs, Asansol, Bankura and Siliguri admitted (between December 2014 and January 2015) the audit observations in 802 cases involving ₹ 12.10 lakh, but did not furnish any report on realisation. RA, Burdwan did not furnish any specific reply in the remaining cases (October 2015).

However, the major point in audit observation regarding the inadequacy of VAHAN software has not been replied to.

The cases were reported to the Government between February and April 2014 followed by reminders issued upto May 2015; their reply has not been received (October 2015).

4.12 Inaction of Government in taking remedial action on deficiencies in VAHAN

Audit observations of similar nature on deficiencies in VAHAN software were already reported upon previously as detailed in the following table:

Table 4.11 – Deficiencies in VAHAN reported in earlier Audit Reports

| Para No. | Nature of observation | Year of Audit Report | Para no. of the Audit Report |
|----------|--|----------------------|------------------------------|
| 4.3 | Non-realisation of tax, additional tax, penalty and special fees due to non-maintenance of Tax Demand Register | 2009-2010 | 3.13 |
| | | 2010-2011 | 5.9 , 5.10 |
| | | 2012-2013 | 4.8 , 4.10 |
| | | 2013-2014 | 4.10 |
| 4.5 | Non-realisation of dealer's tax and penalty | 2009-2010 | 3.8 |
| | | 2011-2012 | 4.13 |
| | | 2012-2013 | 4.9.7 |
| | | 2013-2014 | 4.7 |
| 4.6 | Non-realisation of special tax from air-conditioned vehicles | 2009-2010 | 3.6 |
| | | 2011-2012 | 4.9 |
| | | 2012-2013 | 4.8 |
| | | 2013-2014 | 4.11 |
| 4.7 | Non-realisation of audio and video fee | 2009-2010 | 3.7 |
| | | 2011-2012 | 4.12 |
| | | 2012-2013 | 4.9.5 |
| | | 2013-2014 | 4.4 , 4.9 |
| 4.8 | Short realisation of fitness fee | 2009-2010 | 3.3 |
| | | 2011-2012 | 4.10 |
| | | 2012-2013 | 4.9.2 |
| | | 2013-2014 | 4.5 |
| 4.10 | Non-realisation of showroom inspection fee | 2009-2010 | 3.9 |
| | | 2012-2013 | 4.9.6 |
| | | 2013-2014 | 4.6 |
| 4.11 | Short levy of additional tax | 2012-2013 | 4.9.8 |
| | | 2013-2014 | 4.8 |

Government did not take any remedial action, leading to recurrence of similar irregularities over the years resulting in loss/ non-realisation of revenue to Government.

