

**Report of the
Comptroller and Auditor General of India
on
Revenue Sector
for the year ended 31 March 2020**



लोकहितार्थ सत्यनिष्ठा
Dedicated to Truth in Public Interest

Government of Assam
Report No. 2 of 2022

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TABLE OF CONTENTS

Particulars	Paragraph	Page
Preface	--	iii
Overview	--	v
CHAPTER-I: GENERAL		
Trend of Revenue Receipts	1.1	1
Analysis of arrears of revenue	1.2	6
Arrears in Assessment	1.3	7
Evasion of tax detected by the Department	1.4	8
Pendency of refund cases	1.5	8
Response of Government/Departments towards audit	1.6	8
Analysis of the mechanism for dealing with the issues raised by Audit	1.7	10
Audit Planning	1.8	12
Results of Audit	1.9	12
CHAPTER-II: FINANCE (TAXATION) DEPARTMENT		
Tax administration	2.1	13
Working of Internal Audit Wing	2.2	13
Results of Audit	2.3	13
Compliance Audit on “Processing of Refund claims under GST in Assam”	2.4	14
Compliance Audit on “Transitional Credits under GST”	2.5	33
CHAPTER-III: EXCISE DEPARTMENT		
Administration	3.1	47
Results of Audit	3.2	47
Non-realisation of Establishment charge	3.3	48
Non-realisation of Ad-valorem Duty and Value Added Tax	3.4	49
CHAPTER-IV: TRANSPORT DEPARTMENT		
Administration	4.1	51
Results of Audit	4.2	51
Fitness certificate of vehicles not renewed	4.3	52
CHAPTER-V: ENVIRONMENT AND FORESTS DEPARTMENT		
Administration	5.1	55
Results of Audit	5.2	55
Compliance audit of “Forest Department covering Afforestation, Social forestry, Wildlife and Bio-diversity”	5.3	56
CHAPTER-VI: REVENUE AND DISASTER MANAGEMENT DEPARTMENT		
Administration	6.1	81
Results of Audit	6.2	81
Under valuation of sale deeds due to incorrect application of zonal value	6.3	82
Appendices		85

PREFACE

This Report of the Comptroller and Auditor General of India for the year ended 31 March 2020 has been prepared for submission to the Governor of Assam under Article 151 of the Constitution of India for being submitted to the State Legislature for taking appropriate action.

The Report contains significant audit observations relating to major Revenue earning Departments under Revenue Sector conducted under the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971.

The instances mentioned in this Report are those, which came to notice in the course of test audit during the period 2019-20. Instances relating to the period subsequent to 2019-20 have also been included, wherever necessary.

The Audit has been conducted in conformity with the Auditing Standards issued by the Comptroller and Auditor General of India.

The Reports of the Comptroller and Auditor General of India containing the observations on State Finances, findings of Performance Audit and Compliance Audit in various Government departments and observations arising out of audit of Statutory Corporations, Boards, Government Companies are presented separately.

Overview

OVERVIEW

This Report contains seven paragraphs including three Subject Specific Compliance Audit viz. (i) “Processing of Refund claims under GST in Assam” (ii) “Transitional Credits under GST” and (iii) “Forest Department covering Afforestation, Social forestry, Wildlife and Bio-diversity”. Some of the major findings are mentioned below:

I. GENERAL

- Total Receipts of the State for the year 2019-20 were ₹ 64,495.08 crore against ₹ 63,479.16 crore in the previous year. Of this, 34 *per cent* was raised by the State Government through tax revenue (₹ 16,528.69 crore) and non-tax revenue (₹ 5,539.34 crore). The remaining 66 *per cent* was received from the Government of India in the form of State’s share of net proceeds of divisible Union taxes (₹ 21,721.44 crore) and Grants-in-Aid (₹ 20,705.61 crore).

(Paragraph 1.1)

- Arrears in assessments in respect of various taxation Acts (Assam Value Added Tax, Central Sales Tax, *etc.*) increased over the previous year and 75,335 cases are pending for assessment at the end of 31 March 2020.

(Paragraph 1.3)

- At the end of June 2020, 5,643 audit observations pertaining to 1,139 Inspection Reports involving ₹ 3,332.57 crore could not be settled due to non-receipt of replies/ proper replies from the Departments concerned.

(Paragraph 1.6)

- During the year 2019-20, 819 paragraphs were discussed in the Audit Committee Meetings and 422 paragraphs (51.53 *per cent*) were settled on the basis of replies furnished by Departments.

(Paragraph 1.6.2)

II. FINANCE (TAXATION) DEPARTMENT

Subject Specific Compliance Audit on “Processing of Refund claims under GST in Assam”

- There was delay in issue of acknowledgement against 32 refund applications in pre-automation period and 21 applications in post-automation period.

(Paragraph 2.4.6.1)

- In 15 cases in pre-automation and 12 cases in post-automation period, there was delay in sanction of refund cases.

(Paragraph 2.4.6.2)

- Consideration of incorrect amount of adjusted turnover and ITC resulted in excess grant of refund of ₹ 12.41 lakh.

(Paragraph 2.4.6.3-III)

- In spite of liability to pay tax on telecommunication license fees and spectrum usage charges under GST law, State Taxation Authority (STA) irregularly allowed refund of ₹ 53.34 lakh against tax paid on license fees and spectrum usage charges.

(Paragraph 2.4.6.5-I)

- The STA sanctioned refund of ₹ 30.28 lakh without debiting in Electronic Credit Ledger.

(Paragraph 2.4.6.5-II)

- In 24 cases, sanctioned amount of SGST component involving ₹ 25.89 lakh was not credited to the claimant accounts.

(Paragraph 2.4.6.6-I)

Subject Specific Compliance Audit on “Transitional Credits under GST”

- 47 taxpayers had carried forward balance ITC of VAT regime against actual balance of ITC, which resulted in excess availment of transitional credits of ₹ 5.48 crore.

(Paragraph 2.5.9.1(I))

- 36 taxpayers availed transitional credit of ₹ 5.42 crore without submitting statutory forms under the existing law.

(Paragraph 2.5.9.1(II))

- Eight taxpayers availed transitional credits of ₹ 2.74 crore without filing legacy returns.

(Paragraph 2.5.9.1 (IV))

- Three taxpayers claimed transitional credits of ₹ 3.31 crore incorrectly.

(Paragraph 2.5.9.1 (VI))

- Two taxpayers availed excess transitional credits of ₹ 23.65 lakh in Electronic Credit Ledger against their claim.

(Paragraph 2.5.9.2)

III. EXCISE DEPARTMENT

- Superintendents of Excise failed to realise establishment charges amounting to ₹ 89.57 lakh from six Wholesale Warehouses.

(Paragraph 3.3)

- Superintendents of Excise failed to realise ₹ 8.41 crore being Ad-valorem levy and VAT involved in the transitional stock of liquor/ spirit from two Wholesale Warehouses.

(Paragraph 3.4)

IV. TRANSPORT DEPARTMENT

- District Transport Officers did not initiate action to cancel the registration/ permit of vehicles whose fitness certificate has expired which resulted in forgoing of revenue of ₹ 1.19 crore besides fine of ₹ 22.58 crore was also leviable.

(Paragraph 4.3)

V. ENVIRONMENT AND FOREST DEPARTMENT

- The Department did not take initiative to change the status of land as forest land in the records of Revenue Department which led to allotment of forest land for other purposes by the Revenue Department.

(Paragraph 5.3.2.1(II))

- In 2019-20, Department could utilise 25 per cent of available stocks of seedlings while the remaining 75 per cent seedlings remained in stock.

(Paragraph 5.3.2.3)

- Selection of plantation site by the Golaghat SF Division despite prior information about encroachment from Deputy Commissioner, Majuli led to a wasteful expenditure of ₹ 36.89 lakh.

(Paragraph 5.3.3.2)

- The lesser allocation of funds had compelled the wildlife managers to scale down the activities envisaged in the original Annual Plan of Operations.

(Paragraph 5.3.4.2)

- An area of 10.98 sq. km of notified Forest land in Pabitora Wildlife Sanctuary was not handed over by the Revenue Department to the Forest Department, which resulted in crunching of space for free movements of the animals.

(Paragraph 5.3.4.3)

- Even after six years of the National Green Tribunal's instruction, GoA failed to operationalise automated animal sensors in any of the animal corridors after an expenditure of ₹ 6.12 crore.

(Paragraph 5.3.4.4)

- Out of 94 plantations sites in three divisions, 51 sites (54.25 per cent) had survival percentage of seedlings of less than or equal to 30 per cent, which is considered as poor plantation.

(Paragraph 5.3.5.2)

VI. REVENUE & DISASTER MANAGEMENT DEPARTMENT

- The Sub-Registrar, Kamrup (Sadar) while registering the sale deeds, considered Zonal value of Agricultural land instead of Non-Agricultural land, which resulted in short levy of Stamp Duty and Registration fee of ₹ 18.51 lakh.

(Paragraph 6.3)

Chapter-I

General

CHAPTER – I : GENERAL

1.1 Trend of Revenue Receipts

1.1.1 The Tax and Non-Tax Revenue raised by Government of Assam (GoA) during the year 2019-20, State's share of net proceeds of divisible Union taxes and duties assigned to State, Grants-in-Aid received from Government of India (GoI) during the year and the corresponding figures for the preceding four years are given in **Table 1.1.1**.

Table 1.1.1:-Trend of Revenue Receipts

(₹ in crore)						
Sl. No.	Particulars	2015-16	2016-17	2017-18	2018-19	2019-20
1.	Revenue raised by the State Government					
	Tax Revenue	10,106.49	12,079.56	13,215.52	15,924.85	16,528.69
	Non-tax Revenue	2,741.56	4,353.13	4,071.97	8,221.29	5,539.34
	Total	12,848.05	16,432.69	17,287.49	24,146.14	22,068.03
	Percentage of increase/ decrease over previous year	8.31	27.90	5.20	39.67	-8.61
2.	Receipts from Government of India					
	Share of net proceeds of divisible Union taxes and duties	16,784.88	20,188.64	22,301.54	25,215.85	21,721.44
	Grants-in-Aid	12,824.75	12,598.48	14,541.91	14,117.17	20,705.61
	Total	29,609.63	32,787.12	36,843.45	39,333.02	42,427.05
3.	Total receipts of the State Government (1 and 2)	42,457.68	49,219.81	54,130.94	63,479.16	64,495.08
4.	Percentage of 1 to 3	30	33	32	38	34

Source: Finance Accounts of Government of Assam.

The above table indicates that during the year 2019-20, the revenue raised by the State Government (₹ 22,068.03 crore) was 34 *per cent* of the Revenue Receipts as against 38 *per cent* during the previous year. The remaining 66 *per cent* of the receipts during 2019-20 was from the GoI.

Revenue Receipts of the State during 2019-20 grew by ₹ 1,015.92 crore (1.60 *per cent*) over the previous year. During the year, Tax Revenue increased by ₹ 603.84 crore (59.44 *per cent*), and Non-Tax Revenue decreased by ₹ 2,681.95 crore (263.99 *per cent*). During 2019-20, Grants-in-Aid from GoI increased by ₹ 6,588.44 crore (46.67 *per cent*) and share of net proceeds of divisible Union taxes and duties decreased by ₹ 3,494.41 (13.86 *per cent*) over the previous year.

1.1.2 Tax Revenue

Details of tax revenue raised during the period 2015-16 to 2019-20 are given in **Table 1.1.2**.

Table 1.1.2:-Details of Tax Revenue raised

(₹ in crore)

Sl. No.	Head of revenue	2015-16	2016-17	2017-18	2018-19	2019-20		Percentage of increase (+)/ decrease (-) with respect to	
		Actuals	Actuals	Actuals	Actuals	Budget Estimates	Actuals	BEs (2019-20)	Actuals (2018-19)
1.	State Goods and Services Tax	--	--	4,077.67	8393.04	9309.68	8755.30	-6	4
2	Taxes on Sales, Trade, etc.	7,493.72	8,751.64	6,373.00	4698.74	4856.25	4480.96	-8	-5
3	State Excise	807.96	963.81	1,095.16	1399.84	1450.00	1650.03	14	18
4	Stamps and Registration Fees	224.83	226.78	239.17	240.72	396.80	292.65	-26	22
5	Taxes and Duties on Electricity	48.64	49.44	60.19	72.75	142.51	194.56	37	167
6	Taxes on Vehicles	442.73	521.59	646.96	765.01	898.31	815.82	-9	7
7	Taxes on Goods and Passengers	583.12	1,069.81	262.64	-3.62	0.95	47.47	4897	1411
8	Other Taxes on Income and Expenditure	182.93	184.27	193.38	186.35	226.63	189.92	-16	2
9	Other Taxes and Duties on Commodities and Services	61.09	78.97	34.44	0.95	0.00	0.95	--	-1
10	Land Revenue	229.46	210.02	219.39	163.22	253.30	94.16	-63	-42
11	Taxes on Agricultural Income	32.01	23.23	13.52	7.85	14.50	6.87	-53	-12
Total		10,106.49	12,079.56	13,215.52	15,924.85	17,548.93	16,528.69	-6	4

Source: Annual Financial Statement and Finance Accounts of Government of Assam.

The increase of ₹ 603.84 crore (3.79 per cent) in Tax Revenue in 2019-20 as compared to the previous year, was mainly on account of increase in taxes and duties on Electricity by ₹ 121.81 crore, taxes on goods and passengers by ₹ 51.09 crore, State Excise Duty by ₹ 250.19 crore and State Goods and Services Tax (SGST) by ₹ 362.26 crore which was, however, offset by decrease in Tax on Sales, Trade, etc. by ₹ 217.78 crore and land revenue by ₹ 69.06 crore.

The reasons for major variations in respect of Tax Revenue during 2019-20 over that of 2018-19 as reported by the department(s) concerned were as follows:

Excise Department: Revenue increased mainly due to increase in various licence fee, restructure of excise levies, transport/ import fee, etc.

State Goods and Services Tax (SGST): Revenue increased mainly due to increase in collection of Input Tax credit cross utilisation of SGST and IGST and receipt awaiting transfer to other Minor Heads and collection of Tax and Fees under Minor Head: 101 and 104 respectively.

Taxes on Sales, Trade, etc. Revenue decreased mainly due to decrease in collection of Trade tax.

Taxes on Goods and Passengers: Increased mainly due to increase in collection of taxes on Entry of Goods into Local Areas.

Taxes and Duties on Electricity: Increased mainly due to increase in collection of taxes on consumption and sale of electricity.

Stamps and Registration Fees: Increased mainly due to increase in collection of taxes under Sale of Stamps.

1.1.2.1 Implementation of Goods and Services Tax

Goods and Services Tax (GST) was implemented with effect from 01 July 2017 on supply of goods or services or both. GST is concurrently administered by the Union (CGST) and the States (SGST) on supply within the State while Integrated Goods and Services Tax (IGST) is levied on inter-state supply of goods or services or both.

The Central Goods and Services Tax Act, 2017, the Assam State Goods and Services Tax Act, 2017 and the Integrated Goods and Services Tax Act, 2017 and allied Rules of all the three Acts are applicable in the State of Assam.

Goods and Services Tax Network (GSTN), a Non-Government Company set up by Government of India provides both front-end and back-end services to Assam being a Model-II State. Front-end services include approval of registration, taxpayer detail viewer, refund processing, MIS reports etc.

Implementation of GST necessitated smooth transitional provisions which enables migration of all existing businesses to the new regime. The transitional provisions have been specifically incorporated in all the three GST Acts/Rules.

1.1.2.2 Registration under GST

As per the GST Act, every taxpayer with turnover of above ₹ 20 lakh (enhanced to 40 lakh with effect from 01 April 2019 in respect of dealer dealing with sale of goods only) has to be registered under GST. During transition period, the Department had to deal with migration of existing dealers as well as approval of new registrations. The due date for migration of existing dealers was February 2019.

The category wise registrations under GST as on March 2020 have been given in **Table 1.1.3**.

Table 1.1.3: Registered taxpayers under GST

Types of Taxpayers	Number of dealers	Percentage of total
Normal Taxpayers	1,45,881	79.08
Composition Taxpayers	35,602	19.30
Tax Deductors at source	2,792	1.51
Tax Collectors at source	129	0.07
Input Service Distributors	56	0.03
Others	19 (Casual-18, NRTP-1, OIDAR-0)	0.01
Total Registrations	1,84,479	100

The total registrations under GST in Assam were 1.84 lakh as of March 2020, of which, normal taxpayers accounted for 79.08 *per cent*, composition taxpayers 19.30 *per cent* and others (including TDS, TCS, ISD and casual) 1.62 *per cent*.

1.1.2.3 Division of Dealers between Central and State Government

As per the recommendations¹ of GST Council, administrative control of over 90 *per cent* of the dealer with turnover less than ₹ 1.50 crore shall vest with the State tax administration and 10 *per cent* with the Central tax administration. In respect of dealers with turnover of ₹ 1.50 crore and above, the administrative control shall be divided in the ratio of 50 *per cent* each for the Central and State tax administration. The division of tax payers as notified in Assam up to March 2020 are shown in **Table 1.1.4**.

Table 1.1.4:- Division of dealers between Centre and State Government

Jurisdiction	Number of dealers		Total
	Turnover above ₹ 1.5 crore	Turnover below ₹ 1.5 crore	
Centre	6,456	52,686	59,142
State	13,199	77,986	91,185
Total	19,655	1,30,672	1,50,327

As per Assam Goods and Services Tax Rules², 2017 (AGST Rules, 2017), regular taxpayers were required to file monthly returns³ in GSTR-1, GSTR-2 and GSTR-3, whereas composition taxpayers were required to file quarterly returns in GSTR-4. However, the provisions of the rules could not be implemented due to issues relating to information technology infrastructure. Accordingly, filing of GSTR-2 and GSTR-3 were postponed and regular taxpayers are required to file GSTR-1 and GSTR-3B and composition dealers were to file GST CMP 08 quarterly.

The trends of filing of GSTR-1 and GSTR-3B for the period from April 2019 to March 2020 in Assam have been depicted in **Table 1.1.5**.

Table 1.1.5: Filing pattern of GSTR-1 and GSTR-3B

Month	GSTR-1	GSTR-3B
April 2019	43,664	1,10,286
May 2019	43,804	1,10,718
June 2019	1,01,513	1,11,364
July 2019	44,013	1,12,427
August 2019	44,125	1,13,110
September 2019	1,03,061	1,13,697
October 2019	44,215	1,13,713
November 2019	44,343	1,13,797
December 2019	94,715	1,12,749
January 2020	38,685	1,07,951
February 2020	30,033	85,573
March 2020	1,08,906	1,27,144

1.1.2.4 Compensation under SGST

As per the Goods and Services Tax (Compensation to States) Act, 2017, States will be compensated for the shortfall in revenue arising on account of implementation of the Goods and Services Tax considering an annual growth of 14 *per cent* from the base year 2015-16, for a period of five years. In accordance with Section 6 of the GST

¹ Circular dated 20 September 2017.

² Rule 59, 60 and 61

³ GSTR-1: containing outward supply, GSTR-2: Auto populated from GSTR-1 showing inward supply of the dealer and GSTR-3: summarised details of outward and inward supplies of a dealer during the month along with amount of GST liability.

(Compensation to States) Act, 2017, the protected revenue of the State for the year 2019-20 was fixed at ₹ 10,109 crore by taking into consideration the revenue collection of 2015-16 (₹ 5,985.50 crore) as base year plus 14 *per cent* annual increase. Since the SGST receipts in 2019-20 fell short of the protected revenue, the State Government received a compensation of ₹ 878.97 crore⁴ during the year, on account of loss of revenue arising out of implementation of GST.

1.1.3 Non-Tax Revenue

Details of non-tax revenue raised during the period 2015-16 to 2019-20 are given in **Table 1.1.6.**

Table 1.1.6:-Details of Non-Tax Revenue raised

Sl. No.	Head of revenue	(₹ in crore)							
		2015-16	2016-17	2017-18	2018-19	2019-20		Percentage of increase(+)/ decrease(-) with respect to	
		Actuals	Actuals	Actuals	Actuals	BEs	Actuals	BEs (2019-20)	Actuals (2018-19)
1	Petroleum	1,672.03	3,101.96	2,533.20	5642.66	5293.72	3805.34	-28	-33
2	Interest Receipts	298.80	475.40	305.39	588.09	376.27	666.86	77	13
3	Dairy Development	0.07	0.39	0.18	0.24	0.23	0.08	-65	-67
4	Forestry and Wild Life	117.30	215.85	250.74	364.27	308.93	416.06	35	14
5	Non-ferrous Mining and Metallurgical industries	3.31	5.81	6.13	6.51	12.72	7.49	-41	15
6	Miscellaneous General Services	4.81	-6.15	24.91	677.76	31.07	-0.18	-101	-100
7	Medium Irrigation	0.84	0.47	0.88	1.00	1.09	0.67	-39	-33
8	Medical and Public Health	15.47	12.33	22.68	17.22	27.95	21.37	-24	24
9	Co-operation	0.64	0.57	0.56	1.77	0.69	2.09	203	18
10	Public Works	3.84	3.37	3.67	2.64	4.52	1.70	-62	-36
11	Police	52.62	52.88	51.10	68.86	62.96	85.42	36	24
12	Other Administrative Services	329.16	210.46	75.74	211.90	95.34	103.17	8	-51
13	Coal and Lignite	32.58	36.05	47.60	50.36	58.74	38.85	-34	-23
14	Roads and Bridges	28.69	41.10	27.42	41.21	33.79	39.59	17	-4
15	Others ⁵	181.40	202.64	721.77	546.80	2223.65	350.83	-84	-36
Total		2,741.56	4,353.13	4,071.97	8,221.29	8,531.67	5,539.34	-35	-33

Source: Annual Financial Statement and Statement 3 and 14 of Finance Accounts.

The decrease of ₹ 2,681.94 crore (33 *per cent*) in Non-Tax Revenue in 2019-20 as compared to previous year, was mainly on account of decrease in revenue in Petroleum by ₹ 1,837.32 crore, Miscellaneous General Services by ₹ 677.94 crore and decrease in revenue under the head 'Others' by ₹ 195.97 crore.

The reasons for major variations in respect of non-tax revenue during 2019-20 over those of 2018-19 were explained as below:

⁴ Minor head- 114 under the Major Head – 1601 (Grants-in-aid and Contributions) of the Finance Accounts (Vol-II) 2019-20.

⁵ Others include 27 major head of accounts.

Petroleum: The main reason for decrease of revenue as compared to 2018-19 was due to the fact that arrears of royalties on petroleum relating to previous years were received during 2018-19.

Interest Receipts: Increased mainly due to increase of receipts of interest realised on Investment of Cash Balances, Interest from Public Sector and Other Undertakings and other miscellaneous receipts.

Forestry and Wild Life: The increase in revenue was mainly due to increase in receipts from Environmental Forestry and Sale of Timber and Other Forest Produce.

1.2 Analysis of arrears of revenue

The arrears of revenue as on 31 March 2020 in respect of Finance (Taxation), Excise, Mines and Minerals and Transport Departments amounted to ₹ 5735.63 crore of which ₹ 2560.62 crore was outstanding for more than five years, as detailed in the **Table 1.2**.

Table 1.2:-Arrears of revenue

(₹ in crore)

Sl. No.	Heads of Revenue	Name of Department	Amount outstanding as on 31 March 2020		Replies of the Departments
			Total	For more than five years	
1	Taxes on Agricultural Income	Finance (Taxation) Department	73.50	49.54	Following are the reasons for the pending arrears: i. Some amounts become arrears when the amounts are not paid by the dealers on due date. The assessing officer issues notices to the defaulters for payment of arrears and tries his best to realise the amount. Such arrears are paid by the concerned dealers with interest. Current arrears are also included in the above amount. ii. For the amount which cannot be realised by the assessing officers in spite of all efforts, arrear certificates are issued by the assessing officers to the bakijai officers for realisation of the amount and these amounts remain as arrear with the Superintendent of Taxes (Recovery) till recovery of the said arrear amount. iii. Pending cases involving arrears of revenue in High Court/Supreme Court/ Board of Revenue and with Appellate/ Revision Authority. iv. Untraceability of dealers at the time of realisation of dues etc.
2	Professional Tax		3.53	2.02	
3	Land Revenue (Assam Taxes on Specified Lands)		2308.59	1202.32	
4	Taxes on Sales, Trade, etc.		3130.23	1137.21	
5	Taxes on Goods and Passengers		92.19	45.92	
6	Taxes and Duties on Electricity		33.18	30.76	
7	Other Taxes and Duties on Commodities and Services		5.27	3.71	
8	State Excise	Excise Department	70.76	70.76	Due to non-payment of levies by the Wholesale Warehouses in due time.
9	Non-ferrous Mining and Metallurgical Industries	Mines and Minerals Department	0.08	0.08	Non-payment of royalty on limestone by NECEM Cement Ltd. for 2005-06, 2006-07 and 2011-12 (₹ 8,15,789.00).

Sl. No.	Heads of Revenue	Name of Department	Amount outstanding as on 31 March 2020		Replies of the Departments
			Total	For more than five years	
10	Taxes on vehicles	Transport Department	18.30	18.30	Shortage of Enforcement Personnel/ staff and inadequate infrastructure in respect of enforcement drive and due to ongoing covid-19 pandemic.
Total			5,735.63	2,560.62	

1.3 Arrears in Assessment

Under Section 39 of the Assam Value Added Tax (AVAT) Act, 2003 (being the mother Act in respect of other taxes), no assessment shall be made after the expiry of five years from the end of the year to which the assessment relates. However, in cases where specific information is available, re-assessment can be made under Section 40 of AVAT Act, 2003 within a period of eight years.

The details of arrears in assessments pending at the beginning of the year, cases becoming due for assessments during the year, cases disposed of during the year and number of cases pending for assessment at the end of the year as furnished by the Finance (Taxation) Department in respect of various taxation Acts are given in **Table 1.3.**

Table 1.3:-Arrears in assessments

Head of revenue	Arrears of assessment due as on 31 March 2019	New cases due for assessments during 2019-20	Total assessment due	Cases disposed of during 2019-20	Balance at the end of the year	Percentage of disposal (col. 5 to 4)
1	2	3	4	5	6	7
Sales Tax (AGST/ AVAT/ CST Acts)	20,710	6,839	27,549	7,003	20,546	25.42
APTC & E Taxation Act	37,344	30,924	68,268	21,717	46,551	31.81
Amusement & Betting Taxation Act	595	32	627	119	508	18.98
Entry Tax Act	3,060	631	3,691	1,191	2,500	32.27
Luxury (Hotel & Lodging Houses) Act	416	120	536	270	266	50.37
Electricity Duty Act	2,513	476	2,989	220	2,769	7.36
Taxation (on Specified Lands) Acts	1,070	1,293	2,363	2,143	220	90.69
Agricultural Income Tax Act	1,607	762	2,369	394	1,975	16.63
Total	67,315	41,077	1,08,392	33,057	75,335	30.50

The assessments pending at the end of the year increased over the previous year in respect of APTC & E Taxation Act, Electricity Duty Act and Agricultural Income Tax Act. Further, the percentage of overall disposal compared to the cases due for assessment was only 30.50 *per cent* which resulted in increase of arrears of assessment. Pendency in assessment may result in non/short realisation of Government revenues and further accumulation in arrears of revenue.

1.4 Evasion of tax detected by the Department

The details of cases of tax evasion detected by the Finance (Taxation) Department, cases finalised and the demands for additional tax raised as reported by the Department is given in **Table 1.4**.

Table 1.4:-Evasion of Tax

Sl. No.	Head of revenue	Cases pending as on 31 March 2019	Cases detected during 2019-20	Total	Number of cases in which assessment/ investigation completed and additional demand with penalty <i>etc.</i> raised		Number of cases pending for finalisation as on 31-March 2020
					Number of cases	Amount of demand (₹ in crore)	
1	GST	0	707	707	707	8.14	0
2	State Excise	4	0	4	4	43.94	0
Total		4	707	711	711	52.08	0

1.5 Pendency of refund cases

The number of refund cases pending at the beginning of 2019-20, claims received during the year, refunds allowed during the year and the cases pending at the close of 2019-20, as reported by the Finance (Taxation) Department is given in **Table 1.5**.

Table 1.5:-Details of pendency of refund cases

Sl. No.	Particulars	Sales Tax/VAT		GST (SGST + IGST)	
		No. of cases	Amount	No. of cases	Amount
1	Claims outstanding at the beginning of the year	7	54.00	0	0.00
2	Claims received during the year	82	68.73	325	59.18
3	Refunds allowed during the year	79	62.63	300	55.02
4	Balance outstanding at the end of the year	10	60.10	25	4.16

In Finance (Taxation) Department, 10 cases of refund involving ₹ 60.10 crore pertaining to VAT, CST, *etc.* and 25 cases involving ₹ 4.16 crore pertaining to the GST were pending at the end of March 2020.

The Department may consider early settlement of refund cases for the benefit of claimants.

1.6 Response of Government/Departments towards audit

On completion of the audit of Government/ Departments and the offices, audit issues Inspection Reports (IRs) to the concerned head of the offices, with copies to their superior officers for corrective action and monitoring. Serious financial irregularities are reported to the Heads of the Departments and the Government.

With respect to IRs issued up to December 2019, the position was that 5,643 paragraphs pertaining to 1,139 IRs remained outstanding at the end of June 2020 as shown in **Table 1.6**, along with the corresponding figures for the preceding two years.

Table 1.6:-Details of pending IRs

	June 2018	June 2019	June 2020
Number of IRs pending for settlement	1,061	969	1,139
Number of outstanding audit paragraphs	5,511	4,364	5,643
Amount of revenue involved (₹ in crore)	2,312.82	2,193.29	3,332.57

1.6.1 Department wise pendency of IRs

The department-wise details of the IRs and paragraphs outstanding as on 30 June 2020 and the amounts involved are given in **Table 1.6.1**.

Table 1.6.1:-Department-wise details of outstanding IRs

(₹ in crore)					
Sl. No.	Name of the Department	Nature of receipts	Number of outstanding IRs	Number of outstanding audit paragraphs	Money value involved
1	Finance (Taxation)	Taxes on sales, trade, etc.	280	1,859	906.92
		Agricultural Income Tax			
		Other Taxes			
2	Excise	State Excise	116	673	879.79
3	Transport	Taxes on Motor Vehicles	181	833	129.56
4	Revenue & Disaster Management	Stamps and Registration fees	165	438	1,194.22
5	Mines and Minerals	Non-ferrous mining and metallurgical industries	12	44	151.38
6	Environment and Forests	Forestry and Wild Life	385	1,796	70.70
Total			1,139	5,643	3,332.57

Audit did not receive even the first replies from the heads of offices within one month from the date of issue of the IRs in respect of 123 IRs, out of 125 IRs issued during 2019-20. Further, large pendency of IRs/ paragraphs was due to non-receipt of replies which indicates that the heads of auditee units have failed to take cognisance of the reported Audit findings.

1.6.2 Departmental Audit Committee Meetings

The Government set up audit committees to monitor and expedite the progress of the settlement of the IRs and paragraphs. The details of the Audit Committee Meetings held during 2019-20 and the paragraphs settled as a consequence thereof is given in **Table 1.6.2**.

Table 1.6.2:-Details of Departmental Audit Committee Meetings

(₹ in crore)				
Sl. No.	Head of revenue	Number of meetings held	Number of paras settled	Amount
1	Environment and Forest Department	2	70	8.72
2	Finance (Taxation) Department	5	280	143.15
3	Excise Department	2	53	4.94
4	Transport Department	1	17	2.36
5	Revenue and Disaster Management Department	1	2	0.0
Total		11	422	159.17

During the year, 11 Audit Committee Meetings were held in which, 819 paragraphs were discussed and 422 paragraphs (51.53 *per cent*) were settled on the basis of replies furnished by Departments.

1.6.3 Response of the Departments to the draft audit paragraphs

The PAG (Audit) forwards draft audit paragraphs proposed for inclusion in the Report of the Comptroller and Auditor General of India (C&AG) to the Principal Secretaries/ Secretaries of the Departments concerned, drawing their attention to audit findings and requesting them to send their response within six weeks. In case of non-receipt of the replies from the Government/ Department, the same is indicated at the end of such paragraphs included in the Audit Report of the C&AG.

The draft audit paragraphs proposed to be included in the Report of the C&AG (Revenue Sector) for the year ended 31 March 2020, Government of Assam, were forwarded to the Secretaries of the Departments concerned between September 2021 and December 2021. The replies furnished by the Department/ Directorates have been appropriately incorporated in the respective paragraphs.

1.6.4 Follow up on the Audit Reports

The notifications of Public Accounts Committee (PAC) in August 2001, September 2014 and October 2018 laid down that after presentation of the Report of the C&AG in the Legislative Assembly, the administrative departments were required to submit *suo-moto* Action Taken Notes (ATN) on paragraphs, within three months to the PAC with a copy to the PAG (Audit) without waiting for the PAC's discussion. However, *suo-moto* replies/ explanatory notes on audit paragraphs of the Reports were being delayed inordinately. In the Reports of the C&AG on the Revenue Sector of Government of Assam for the years ended 31 March 2015 to 31 March 2019 placed before the State Legislative Assembly between April 2015 and December 2021, 118 compliance audit paragraphs and five Performance Audit Reports were included. The PAG (Audit) did not receive any *suo-moto* explanatory notes on audit paragraphs.

As of March 2020, PAC discussed 466 out of 1,003 paragraphs, reviews and performance audits (including stand-alone Audit Reports) pertaining to the years 1988-89 to 2017-18, leaving a balance of 537 audit paragraphs yet to be discussed.

1.7 Analysis of the mechanism for dealing with the issues raised by Audit

To analyse the system of addressing the issues highlighted in the IRs/ Audit Reports by the departments/ Government, action taken on the paragraphs and PAs included in the Audit Reports of the last five years for one Department is evaluated in detail and included in this Audit Report.

The following Paragraphs discuss the performance of Excise Department in respect of the cases detected in the course of local audit during the last five years and also the cases included in the Audit Reports for years 2015-16 to 2019-20.

1.7.1 Position of Inspection Reports

The summarised position of IRs issued during the last five years, paragraphs included in these IRs and their status as on 31 March 2020 in respect of Excise Department are tabulated in **Table 1.7.1**.

Table 1.7.1:-Position of Inspection Reports in respect of Excise Department

(₹ in crore)

Year	Opening Balance			Addition during the year			Clearance during the year			Closing Balance		
	IRs	Paras	Money Value	IRs	Paras	Money Value	IRs	Paras	Money Value	IRs	Paras	Money Value
2015-16	82	341	279.18	21	117	18.42	7	41	3.12	96	417	294.48
2016-17	96	417	294.48	14	73	14.40	1	32	6.40	109	458	302.48
2017-18	109	458	302.48	13	185	588.90	1	41	0.47	121	602	890.91
2018-19	121	602	890.91	23	134	109.28	38	187	15.22	106	664	758.94
2019-20	106	664	758.94	21	196	188.51	1	62	4.69	126	798	942.77
Total				92	705	919.51	48	363	29.90			

It is evident from the table above that during the last five years 705 paragraphs were added, which was offset by 363 paragraphs being settled during 2015-16 to 2019-20. Thus, 798 paragraphs remained outstanding for settlement at the end of 31 March 2020 due to non-receipt of satisfactory replies/ replies from the Department.

1.7.2 Recoveries in respect of accepted audit cases

The position of paragraphs included in the Audit Reports of the last five years, those accepted by **Excise Department** and the amount recovered there against is given in **Table 1.7.2**.

Table 1.7.2:-Position of recovery of accepted cases

(₹ in crore)

Year of Audit Report	Number of paragraphs included	Money value of the paragraphs	Details of paragraphs accepted		Amount recovered	Cumulative position of recovery of accepted cases as on 31 March 2019
			Number	Money value		
2014-15	9	176.56	2	0.71	0.03	2.31
2015-16	8	3.13	3	0.80	0.01	
2016-17	8	4.79	5	1.83	0.06	
2017-18	10	12.31	10	12.31	0.27	
2018-19	5	23.50	3	7.68	1.94	

It is evident from the above table that the progress of recovery even in accepted cases was very slow during the last five years.

1.7.3 Action taken on the recommendations accepted by the Government/ Departments

The Performance Audits (PAs) conducted by the PAG are forwarded to the departments concerned with a request to furnish their replies. These Paragraphs are further discussed during exit conference and the Department's views received during the exit conference and at other points of time are included while finalising the PAs for the Audit Reports. Besides, Audit also makes recommendations against some specific issues brought out in the Paragraphs wherever felt appropriate.

During 2014-15, a PA on “Environmental degradation in the greater Guwahati area with special emphasis on the role of the Pollution Control Board, Assam” was carried out wherein 13 recommendations were made to the Government/ Pollution Control Board, Assam (PCBA). The PCBA reported that action was taken in respect of the recommendations featured in the PA (details are given in **Appendix – I**).

1.8 Audit Planning

For the purposes of audit, the offices under various departments are categorised as ‘high’, ‘medium’ and ‘low’ risk units according to their quantum of revenue collection, past nature and trends of audit observations and other parameters. The annual audit plan of the PAG is prepared on the basis of risk analysis which *inter-alia* includes critical issues in government revenue and tax administration *i.e.* budget speech, white paper on state finances, Reports of the Finance Commission (State and Central), recommendations of the Taxation Reforms Committee, statistical analysis of revenue earnings during the past five years, factors in tax administration and audit coverage and its impact during past five years.

During 2019-20, against a total of 360 auditable units, 131 units were planned and 128 units were audited. The details are given in **Appendix – II**.

1.9 Results of Audit

1.9.1 Position of audit conducted during the year

Audit test checked records of 128 offices of Finance (Taxation), State Excise, Transport, Environment and Forests and other departmental offices during 2019-20 and pointed out deficiencies in 919 cases. During the year, the departments concerned accepted under-assessment and other deficiencies amounting to ₹ 0.10 lakh involved in two cases pointed out in audit. The departments had also collected ₹ 0.751 crore in 49 cases during 2019-20.

1.9.2 Coverage of this Report

This Report contains seven paragraphs suitably clubbed into appropriate captions including three subject specific compliance audit paragraphs having a total financial effect of ₹ 106.91 crore of which the departments accepted audit observations involving revenue of ₹ 35.58 crore and recovered revenue of ₹ 0.44 crore.

Chapter-II

Finance (Taxation) Department

CHAPTER - II:

FINANCE (TAXATION) DEPARTMENT

2.1 Tax administration

The Finance (Taxation) Department is responsible for the administration of taxes on sales, trade, *etc.* in the State. The Commissioner of Taxes (CT), Assam is the Head of the Department who is responsible for administration of all taxation measures and for general control and supervision over the zonal and unit offices and the staff engaged in collection of taxes and to guard against evasion of taxes. The Commissioner is also the authority for disposing of revision petitions under all Taxation Acts and laws besides providing clarifications under the Assam Value Added Tax (AVAT) Act, 2003 and is assisted by Additional Commissioners of Taxes, Joint Commissioners of Taxes (JCT), Deputy Commissioners of Taxes (DCT), Assistant Commissioners of Taxes (ACT), Superintendents of Taxes (ST) and Inspectors of Taxes both at the Headquarters and zonal/ unit levels. The Commissionerate of Taxes had one Head Office/ Commissioner's Office, 10 Zonal Offices, five Appellate Offices, 34 Unit Offices and 23 Recovery Offices.

The functioning of the Department is governed by the provisions of the AVAT Act, 2003; the Assam Goods and Services Tax Act, 2017 (*w.e.f.* 01 July 2017), the Central Sales Tax (CST) Act, 1956; the Assam Professions, Trades, Callings and Employments Taxation Act, 1947; the Assam Electricity Duty Act, 1964; the Assam Taxation (on Specified Lands) Act, 1990; the Assam Agricultural Income Tax Act, 1939 and various administrative orders issued from time to time.

2.2 Working of Internal Audit Wing

Internal audit is a vital component of internal control mechanism which functions as an internal oversight mechanism of the Department and a vital tool which enables the management to assure itself that the prescribed systems are functioning reasonably well. It was observed that although an internal audit wing was created by the Government in May 1988 with staff strength of eight internal auditors in the office of the CT, Assam, no personnel was posted in the wing since February 2011.

2.3 Results of Audit

Test check of records of 20 unit offices (out of total 75 unit offices) relating to VAT/ CST/ AET/ Agricultural Income Tax assessments and other records noticed deficiencies in 276 cases which falls under the following categories as detailed in **Table 2.1.**

Table 2.1:-Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Turnover escaping assessment	12	7.00
2	Irregular grant of ITC	29	10.00
3	Concealment of Turnover	35	22.00
4	Short levy of tax and interest	25	26.23
5	Irregular allowance of concessional rate of tax	28	10.27
6	Short/ non-levy of entry tax	8	1.54
7	Other irregularities ⁶	139	60.75
Total		276	137.79

2.4 Compliance Audit on “Processing of Refund claims under GST in Assam”

2.4.1 Introduction

2.4.1.1 Timely refund mechanism constitutes a crucial component of tax administration, as it facilitates trade through release of blocked funds for working capital, expansion and modernisation of existing business. The provisions to refunds as contained in the GST laws, the claim and sanctioning procedure should be completely online. Due to unavailability of electronic refund module on the common portal, a temporary mechanism was devised and implemented in December 2017⁷. Under the temporary mechanism as implemented, the applicants were required to file the refund applications in Form GST RFD-01A on common portal and a printout of the same was required to be submitted physically to the jurisdictional tax office along with all supporting documents. The processing of those applications was being done manually. From January 2019, all supporting documents were also to be submitted electronically⁸ along with application in Form GST RFD-01A for claiming refunds. However, various post submission stages of processing the refund applications continued to be manual.

2.4.1.2 Refund procedure became fully electronic from 26 September 2019, wherein all the steps from submission of application to processing were undertaken electronically (called Automation of Refund Process). However, applications submitted prior to 26 September 2019 would continue to be processed manually.

2.4.2 Audit Objectives

Audit of refund cases under the GST regime was conducted to assess:

- The adequacy of Act, Rules, notifications, circulars, *etc.* issued in relation to grant of refund,
- The compliance of extant provisions by the tax authorities and the efficacy of the systems in place to ensure compliance by taxpayers,
- Whether effective internal control mechanism exists to check the performance of the departmental officers in disposing off the refund applications.

⁶ Non levy of penalty for delay in submission of audited accounts, duplicate copies of statutory forms, *etc.*

⁷ Circular No.17/17/2017-GST dated 15.11.2017 and No.24/24/2017-GST dated 21.12.2017 (No similar circular found to be issued by the Government of Assam (GoA).

⁸ Circular No. 79/53/2018-GST dated 31.12.2018 read with GoA circular No. 33-2019-GST, dated 30.01.2019

2.4.3 Scope of Audit

During field audit, the refund cases processed by the State GST offices in Assam from July 2017 to July 2020 were examined. Refund data was obtained from GSTN and a sample of refund cases under pre-automation and post-automation period had been selected for detailed examination.

2.4.4 Sample Selection

Among the refund cases processed by 34 State GST Offices in Assam during July 2017 to July 2020, 117 cases and 96 cases pertaining to pre and post automation under the jurisdiction of 24 and 21 State GST Offices, respectively, were scrutinised by the Pr. Accountant General (Audit), Assam. Details of unit wise selected sample cases are given in **Appendix-III**.

- The above sample was taken from 1,604 refund cases involving amount of ₹ 133.63 crore that were processed in 27 State GST offices⁹ during the pre-automation period and 654 refund cases involving amount of ₹ 596.16 crore processed in 31 State GST offices¹⁰ during the post-automation period.
- Audit scrutiny revealed that in 24 State GST offices during the pre-automation period, out of selected 117 cases involving ₹ 13.71 crore, 71 cases (61 *per cent*) involving ₹ 663.27 lakh were sanctioned, 41 cases (35 *per cent*) involving ₹ 4.05 crore were rejected and in respect of five cases, physical files i.e., supporting documents were not submitted to Audit for detailed check.
- Audit scrutiny revealed that all the selected 96 cases under the post-automation period in 21 units offices involving ₹ 44.08 crore were sanctioned.

2.4.5 Legal Provisions

The refund claims, processes and sanctions are guided by the following sections/ rules/ notifications:

- Section 54 to 58 and section 77 of Assam Goods and Services Tax Act, 2017.
- Rule 89 to 97 of Assam Goods and Services Tax Rules, 2017.
- Section 15, 16 and 19 of Integrated Goods and Services Tax Act, 2017.
- Applicable sections of CGST Act, 2017.
- Notifications/circulars issued from time to time.

Audit Findings

2.4.6 Compliance Issues

Audit examined compliance to the provisions of the GST Act, Rules, procedures *etc.* related to processing of refund under GST by the Assam State Tax Authority (STA).

⁹ Out of 34 units, information on processing of refund cases in respect of seven offices viz. Naharkatia, Diphu, Tezpur, North Lakhimpur, Barpeta Road, Hailakandi and Nalbari were not furnished to audit.

¹⁰ During post automation period in three Offices viz. Digboi, Biswanath Chariali and Golaghat office, no refund cases were processed

Audit noticed several shortcomings in compliance to the Act/Rules. The details regarding the nature of audit observation and the extent of deviations are included in **Table-2.2**.

Table-2.2:-Extent of Deviation noticed

Nature of Audit findings	Audit Sample		Deficiencies noticed		Deficiencies as percentage of Sample
	Number	Amount (₹ in lakh)	Number	Amount (₹ in lakh)	
Delay/non-conducting of post audit of refund claims	117	NA	71	NA	61
Improper/non-maintenance of refund registers	24*	NA	7*	NA	29
Refund sanctioned on accumulated ITC on Export of goods and services without payment of tax (EXPWOP) and irregularities noticed thereof	51	747.14	15	51.91	29
Delay in issue of acknowledgement	213	NA	53	NA	25
Non-payment of SGST refund amount sanctioned by State Authority	117	153.51	24	25.89	21
Delay in issue of Refund orders and non-payment of interest thereon	213	NA	27	4.37	13
Irregular grant of refund in respect of other categories	10	2,535.01	3	83.62	30
Refund sanctioned on ITC accumulated due to inverted tax structure (INVITC) and irregularities noticed thereof	45	1,954.49	3	12.07	7
Delay in communicating refund sanction order to counterpart tax Authority	798	NA	53	NA	7
Delay in sanction of Provisional refund on account of Zero-rated supply	51	NA	2	NA	4

* State GST Offices

2.4.6.1 Acknowledgment not issued within time

There was delay in issue of acknowledgement against 32 refund applications in pre- automation period and 21 applications in post-automation period.

Rule 90(2) of AGST Rules, 2017 provides that the acknowledgment shall be issued¹¹ within fifteen days of filing of refund claim with the Proper Officer if the application is found complete in all respects. In respect of pre-automation cases, the stipulated period of 15 days will be counted from the date of manual submission of refund application along with all specified documents.

Pre-Automation

Out of 117 selected refund cases, in 24 State GST offices, Audit noticed that in 32 refund cases under 10 State GST offices, there was delay in issue of acknowledgements ranging from 1 day to 236 days (Details in **Appendix-IV**). Age wise breakup of delays are shown in **Table 2.3**.

¹¹ In Form GST RFD-02

Table 2.3:-Age wise delay in issue of acknowledgement

Range of Delay (in days)	Number of Cases
Up to 3 months	21
3 to 6 months	10
More than 6 months	1

This has resulted in non-compliance of the provisions of Rule 90 of the AGST Rules, 2017.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that in pre-automation period taxpayer had to submit application online as well as manually along with all necessary documents. Analysing the case wise audit observations, the department stated that out of 32 cases, in 29 cases delay occurred due to delay in submission of required documents by the taxpayer, in two cases the Proper Officer was engaged on preparation of National Register of Citizens (NRC) and in one case delay had not occurred at the State Tax Authority (STA) level as the refund was filed with the Central Tax Authority (CTA) by the taxpayer.

Reply is not acceptable as the department is required either to issue acknowledgment in cases of applications with complete documents or deficiency memo if application was received with incomplete documents within 15 days.

Post-Automation

Out of examination of 96 selected refund cases, Audit noticed that in 21 cases there was delay in issue of acknowledgement ranging from 1 to 183 days (Details in **Appendix-V**). Age wise breakup is shown in the **Table 2.4**:

Table 2.4:-Age wise delay in issue of acknowledgement

Range of delay (in days)	Number of Cases
Up to 3 months	19
3 to 6 months	1
More than 6 months	1

This has resulted in non-compliance of the provisions of Rule 90 of the AGST Rules 2017.

Thus, delay in issue of acknowledgements when entire process was carried out electronically, indicates the Proper Officer had not attended to the cases within the prescribed time limit of 15 days.

On this being pointed out in Audit (February 2021), the Department accepted the audit findings and stated (November 2021) that there was delay in submission of required documents by taxpayers. Moreover, in certain cases, the Proper Officers faced network connectivity problem while issuing acknowledgement for the refund claim.

2.4.6.2 Refund orders not sanctioned in time

In 15 cases in pre-automation and 12 cases in post-automation period, there was delay in sanction of refund cases and department did not pay interest to claimants.

As per Section 54(7) of AGST Act 2017 read with Rule 92 of the AGST Rules, 2017, the Proper Officer shall make an order in Form GST RFD-06, sanctioning the amount of refund to which the applicant is entitled within 60 days of receipt of application complete in all respect.

Section 56 of the AGST Act, 2017 stipulates that if any tax ordered to be refunded under sub-section (5) of section 54 to any applicant is not refunded within sixty days from the date of receipt of application under sub-section (1) of that section, interest at such rate not exceeding six per cent shall be payable in respect of such refund from the date immediately after the expiry of sixty days from the date of receipt of application under the said sub-section till the date of refund of such tax.

As per CBIC Circular dated 18 November 2019 followed by State Circular dated December 2019¹², interest has to be calculated from the date immediately after the expiry of sixty days from the date of receipt of the application till the date the amount is credited to the bank account of the applicant.

Pre-automation

Out of 117 refund cases examined, Audit noticed that in 15 cases, there was delay in sanction of refunds ranging from 1 to 432 days (Details in **Appendix-VI**). Age wise breakup of delays are shown in the **Table 2.5**:

Table 2.5:-Age wise delay in sanction of refund

Range of Delay (in days)	Number of Cases
Up to 3 months	9
3 to 6 months	2
More than 6 months	4

This has resulted in non-observance of the provisions of Section 54(7) of the AGST Act, 2017 read with Rule 92 of the AGST Rules, 2017. Further, the Department has not paid interest under Section 56 of the AGST Act, 2017 amounting to ₹ 3.20 lakh to the claimants.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that delay in sanction of refunds were mainly attributed to delay in issue of acknowledgement due to late receipt of required documents, engagement of Officers in NRC duty, lack of awareness in processing of refund application by the tax payers, etc. Further, in one case, delay did not occur at the STA level as the refund was sanctioned from the CTA; however, the STA took up the matter and paid the SGST part only. As regards non-payment of interest for delay in sanction of refunds, the Department stated that the taxpayer did not claim the interest.

¹² Circular No.125/44/2019-GST dated 18.11.2019, State circular No. 79/2019-GST, Dated 23.12.2019

The reply of the Department regarding non-payment of interest is not acceptable as interest is to be paid *suo moto* by the department in case of delay in payment of refund along with payment advice (RFD-05).

Post-automation

Out of 96 refund cases examined by Audit, it was noticed that in 12 cases there were delays in sanction of refunds ranging from 1 to 186 days (Details in **Appendix-VII**). Age wise breakup of delay as shown in **Table 2.6**:

Table 2.6:-Age wise delay in sanction of refund

Range of delay (in days)	Number of Cases
Up to 3 months	9
3 to 6 months	2
More than 6 months	1

This has resulted in non-observance of the provisions of Section 54(7) of the AGST Act, 2017 read with Rule 92 of the AGST Rules, 2017. Further, for belated payment of refunds, the department did not pay interest due under section 56 of the Act of ₹ 1.17 lakh to the taxpayers.

On this being pointed out in Audit (February 2021), the Department stated that the delays were mainly due to lack of awareness in the initial stage of GST implementation, late submission of requisite documents, NRC duty etc.

2.4.6.3 Refund cases on Export of Goods and Services without Payment of Tax (EXWOP)

Out of 117 selected cases under pre-automation period and 96 selected cases under post-automation period, 30 refund cases and 21 refund cases respectively, relate to Export of Goods and Services without Payment of Tax (EXWOP). Out of which in 12 cases under pre-automation sample cases and in three post-automation sample cases, Audit noticed irregularities as enumerated below:

I. Delay in sanction of provisional refund

In two cases, there was delay in issuance of provisional sanction order.

As per Section 54(6) of AGST Act, 2017 read with Rule 91(2) of AGST Rules, 2017, in the case of any claim for refund on account of zero rated supply of goods or services or both made by registered persons, 90 per cent of refund claimed may be sanctioned on a provisional basis and thereafter an order made for final settlement of the refund claim after due verification of documents furnished by the applicant. The provisional refund shall be granted within a period of seven days from the date of acknowledgement.

Out of examination of 117 selected refund cases, Audit noticed that 30 refund cases relate to Export of Goods and Services without Payment of Tax (EXWOP). Of the total 30 cases, six cases were rejected due to absence of proper documents, nine cases were settled within the prescribed time limit, 12 cases were fully settled without provisional sanction but not within seven days from date of acknowledgement and in three cases

provisional sanctions were granted. Further, Audit noticed that out of three provisionally sanctioned cases, in two refund cases¹³ there were delays in issue of provisional sanction order by six and 18 days.

This has resulted in non-observance of the provisions of Section 54(6) of AGST Act, 2017 read with Rule 91(2) of AGST Rules, 2017.

On this being pointed out in Audit, (December 2020 to March 2021), the Department stated (November 2021) that the provisional sanction was delayed due to non-submission of requisite documents by the taxpayers. However, reply is not acceptable as the Proper Officers issued acknowledgements in Form RFD-02 after ascertaining the completeness of documents with applications. Further, audit observations are relating to delay in issue of provisional refund beyond seven days after issue of acknowledgement.

II. Sanction order rejected irregularly leading to excess accumulation of SGST credit

Refund of SGST component was not debited from Electronic Credit Ledger resulted in excess accumulation of ₹ 9.71 lakh.

Ministry of Finance, Government of India (GoI) in December 2017¹⁴ instructed all the GST offices that the payment in respect of sanctioned amount shall be made only by the respective tax authority of the Central or State Government. Thus, the sanction order issued by the Central tax authority or the State tax/UT tax authority shall be communicated to the concerned counter-part tax authority within seven working days for the purpose of payment of the relevant sanctioned refund amount of tax or cess, as the case may be.

Ministry of Finance, GoI in September 2018 followed by State circular in October 2018¹⁵ clarified that neither the State nor the Central tax authorities shall refuse/withhold to disburse the amount sanctioned by the counterpart tax authority on any grounds whatsoever.

Scrutiny of records of “Zaloni Technologies India Private Limited¹⁶” showed that the applicant had claimed refund of ₹ 32.85 lakh in December 2018 and accordingly the amount was debited from the Electronic Credit Ledger (ECL) of the applicant. The Central Tax Authority¹⁷ (CTA) sanctioned ₹ 24.24 lakh against refund claim of ₹ 32.85 lakh and communicated to the State Tax Authority (STA) in August 2019 as detailed in **Table 2.7**:

¹³ ARN AA1801191312983 Dt. 27.03.2019 (six days) and AA180119131303K Dt. 27.03.2019 (18 days)

¹⁴ Para 5.0 of Circular No.24/24/2017-GST dt.21.12.2017 (no such similar circular was found to be issued by GoA.)

¹⁵ para 6.2 of Circular No.59/33/2018-GST dt.4.9.2018, and State Circular No. 24-2018-GST, Dated, 25.10.2018

¹⁶ GSTIN-18AAACZ2899R1Z6, ARN- AA180318000731J

¹⁷ Assistant Commissioner, Range-2E, Kamrup Metro, Guwahati II Division

Table 2.7:-Component wise refund claimed and sanctioned

	IGST	CGST	SGST	Cess	Total	(₹ in lakh) Date
Refund claimed	6.19	13.33	13.33	0	32.85	21/12/2018
Refund sanctioned	4.82	9.71	9.71	0	24.24	02/08/2019

The CTA deposited refund amount of ₹ 14.53 lakh¹⁸ against sanctioned refund of IGST and CGST into the claimant's bank account in October, 2019. However, STA instead of payment of refund of SGST of ₹ 9.71 lakh into the claimant's account, rejected the sanction order of CTA due to insufficient documents submitted by the claimant and credited back the entire debited amount of ₹ 32.85 lakh into ECL of the applicant. Thus, rejection of CTA's order on refunds by STA was irregular and in contradiction to the instruction issued by GoI. In October 2020, however, refund claim was settled for ₹ 24.24 lakh involving SGST refund of ₹ 9.71 lakh by the STA and payment advice was issued. Audit further noticed that STA debited only CGST and IGST component from ECL which was re-credited on rejection, leaving SGST component of ₹ 9.71 lakh (Details in **Appendix-VIII**). This resulted in excess accumulation of SGST credit in the ECL.

On this being pointed out in Audit (January 2021), the Department informed (November 2021) that the amount was debited (October 2021) from ECL. The debit of the amount was also confirmed by the audit.

III. Excess grant of refund

Consideration of incorrect amount of adjusted total turnover and ITC resulted in excess grant of refund of ₹ 12.41 lakh.

As per section 54(3) of AGST Act, 2017, a registered person may claim refund of any unutilised ITC at the end of tax period. As per Rule 89(3), the electronic credit ledger shall be debited by the applicant by an amount equal to the refund so claimed. However, in case of refund on account of EXWOP of IGST/zero-rated supply of goods or services, refund shall be granted¹⁹ as per the following formula:

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC²⁰ ÷ Adjusted Total Turnover²¹

Pre-automation

On verification of records of M/s. Fuel Sources (India) Private Limited²², it was noticed that STA in March 2019 sanctioned and refunded ₹ 25.97 lakh instead of ₹ 19.23 lakh. Scrutiny of monthly returns GSTR-1 and GSTR-3B for November 2017 filed by the

¹⁸ ₹ 4.82 lakh (IGST) + ₹ 9.71 lakh (CGST)

¹⁹ Rule 89 (4) of AGST Rules, 2017

²⁰ 'Net ITC' shall mean input tax credit availed on inputs during the relevant period other than the input tax credit availed for which refund is claimed under sub-rule 4(A) or 4(B) or both.

²¹ 'Adjusted Total Turnover' means the sum total of the value of the turnover in a State or a Union territory, as defined under clause (112) of section 2 excluding the value of exempt/nil rated supplies other than zero-rated supplies during the relevant period.

²² (GSTIN-18AAACF2978B2ZQ, ARN- AA181117005275H),

taxpayer revealed that the 'Adjusted Total Turnover' for relevant period was ₹ 5.28 crore²³ however, STA considered adjusted total turnover as ₹ 3.91 crore while sanctioning the refund reasons for which are yet to be provided by the department. As such, there was excess grant of refund ₹ 6.74 lakh²⁴ due to wrong consideration of adjusted total turnover during calculation.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that the taxpayer's export supplies were ₹ 137.13 lakh and taxable supplies were ₹ 390.97 lakh. The Proper Officer, while calculating adjusted total turnover to determine admissible refund, only considered the turnover on taxable supplies and turnover on export supply was excluded treating it as nil rated. The Departmental reply is not tenable. As per definition of adjusted total turnover, export supply is termed as zero rated supply and is included within adjusted total turnover.

Scrutiny of records in case of M/s Aayan Machineries²⁵ showed that in February 2019, STA sanctioned refund of ₹ 19.30 lakh for the period December 2018 by adopting above formula considering net ITC for the relevant period as ₹ 63.31 lakh. Scrutiny of GSTR-3B of December 2018 revealed that net ITC eligible for the period was ₹ 55.81 lakh as per details of invoice submitted by the taxpayer. As such, an amount of ₹ 17.01 lakh²⁶ was eligible for refund. Thus, there was excess grant of refund of ₹ 2.29 lakh due to excess consideration of admissible ITC for the relevant period.

On this being pointed out in audit (December 2020 to March 2021), the Department stated (November 2021) that although ITC for the month of December 2018 was ₹ 55.81 lakh as per details of invoice submitted by the taxpayer but the Proper Officer considered accumulated ITC in ECL upto December 2018 (*i.e.* ₹ 63.31 lakh) which includes earlier months ITC. However, the reply of the Department is not tenable, as per Rule 89(4) of AGST Rule, 2017, the ITC availed during the relevant period (*i.e.* December 2018) should only be considered.

Post-automation

Audit noticed that in case of M/s Bhauram Jodhraj²⁷, the STA, in March 2020, sanctioned and refunded ₹ 26 lakh instead of ₹ 22.62 lakh by adopting the formula as per GST law. Cross-check of GSTR-3B for the period from October 2019 to December 2019 filed by the taxpayer revealed that the 'adjusted total turnover' for relevant periods was ₹ 471.48 lakh; however, while finalising the refund claim, the STA considered 'adjusted total turnover' as ₹ 409.94 lakh. Thus, short consideration of 'adjusted total turnover' resulted in excess grant of refund of ₹ 3.38 lakh (Details are in **Appendix-IX**).

²³ Other than zero rated - ₹ 390.97 lakh + Zero rated T.O- ₹ 137.14 lakh

²⁴ Refund amount (₹ in lakh) = $(137.14 + 0) \times 74.05 / 528.11 = ₹ 19.23$

²⁵ GSTIN-18BEYPB9715E1Z4, ARN- AA1812182189231

²⁶ Refund amount (₹ in lakh) = $(₹ 97.25 + 0) \times ₹ 55.81 / ₹ 318.97 = ₹ 17.01$

²⁷ GSTIN-18AABFB6682L3Z0, ARN- AA180320009305S, dt. 21.03.2020

On this being pointed out in Audit (February 2021), the Department reported (November 2021) that action was initiated²⁸ and full amount was realised along with interest of ₹ 1.13 lakh. However, documents in support of recovery are yet to be furnished to Audit.

IV. Refund rejected without re-crediting the amount in ECL

While rejecting the refund claim debited amount was not re-credited into ECL, the action of the authority deprived the tax payer from utilising the available ITC.

As per Rule 93(2) of AGST Rules, 2017, where any amount claimed as refund is rejected under Rule 92 of the AGST Rules, 2017, the amount debited to the extent of rejection shall be re-credited to the ECL by an order made in FORM GST PMT-03. A refund shall be deemed to be rejected, if the appeal is finally rejected or if the claimant gives an undertaking in writing to the Proper Officer that he shall not file an appeal. Also, where any deficiencies have been communicated in FORM GST RFD-03, the amount debited under sub-rule (3) of Rule 89 shall be re-credited to the ECL as per Rule 93(1) of AGST Rules, 2017.

Scrutiny of three refund cases in respect of M/s Maa Sherawali Minerals²⁹ revealed that the taxpayer had applied for refund of ₹ 14.61 lakh for three different periods - November 2017, January 2018 and March 2018. Accordingly, the refund claimed amount was debited from ECL. Further scrutiny revealed that the applications for the above refund cases were rejected³⁰ by the STA due to non-submission of relevant documents by the applicant; however, STA did not re-credit the debited amount in the ECL. Thus, due to non-credit of debited amount into ECL, the taxpayer remained deprived from utilising the available ITC.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that the applications were rejected due to incomplete refund application and amount could not be re-credited as PMT-3 was not functional. However, refunds have now been sanctioned on receipt of applications supported by complete documents. The reply of the Department was not acceptable as on rejection of refund application, amount debited from ECL needs to be re-credited.

V. Delay in finalisation of provisionally sanctioned refund cases

Provisional refund cases were not finalised, resulting in balance 10 per cent of refund claim remaining unpaid to taxpayers.

As per Section 54(6) of AGST Act, 2017 read with Rule 91(2) of AGST Rules, 2017, in the case of any claim for refund on account of zero rated supply of goods or services or both made by registered persons, 90 per cent of refund claimed may be sanctioned

²⁸ under section 73 of the AGST Act, 2017

²⁹ AA181117001637D Dt.- 15.01.2019, (₹ 8.32 lakh) and AA180118002820M Dt.- 25.01.2019 (₹ 6.16 lakh) and AA180318007713A Dt.- 25.01.2019 (₹ 0.13 lakh)

³⁰ In Form RFD-06

on a provisional basis and thereafter an order made for final settlement of the refund claim after due verification of documents furnished by the applicant.

Scrutiny of selected cases revealed that three taxpayers had claimed refund of ₹ 64.47 lakh on the ground of supply of zero-rated goods. As per provision of Section 54(6) of the AGST Act, 2017, the STA had provisionally sanctioned ₹ 58.03 lakh (90 *per cent* of the refunds claimed) to the taxpayers. However, these cases were not finalised till the date (March 2021) of conduct of audit. Thus, due to non-finalisation of refund cases where provisional sanction were granted, the balance 10 *per cent* of refund claim of ₹ 6.44 lakh remained unpaid to taxpayers even though one and half years have been lapsed from grant of provisional sanction. The details of cases where final settlement of refund cases were pending are shown in table below:

Table 2.8:-Provisional sanction cases where final settlement is pending

(₹ in lakh)						
Sl. No.	Name & GSTIN	ARN & Date	Date of provisional sanction (RFD-04)	Refund claimed amount	Amount provisionally paid (90% of sanctioned amount)	Remaining to be paid (10%)
1.	R.P. Trade Pvt. Ltd. 18AABCR6675G1Z2	AA1801191312983 Dated-27.03.2019	28.06.2019	11.62	10.46	1.16
2.	R. P. Supply Syndicate 18ADAPA0685Q2ZB	AA180119131303K Dated-27.03.2019	28.06.2019	12.92	11.63	1.29
3.	M/s Tirupati Enterprise 18ACHPA0578Q1Z7	AA1803180142868 Dated-08.03.2019	28.06.2019	39.93	35.94	3.99
Total				64.47	58.03	6.44

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that cases have been finally settled on payment of balance admissible refund amount. However, the Department did not furnish supporting documents such as sanction order in RFD-06 and payment advice in RFD-05 for confirmation.

VI. Allowance of refund of accumulated ITC not supported by invoice

Considering ITC not supported by copies of invoices resulted in excess grant of refund of ₹ 8.74 lakh.

Rule 89(4) of AGST Rules, 2017 prescribed that in the case of refund on account of Export without payment of Tax, refund of input tax credit shall be granted as per the following formula:

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC ÷ Adjusted Total Turnover

The GoI in September 2018 followed by State circular in October 2018³¹ clarified that the refund claim shall be accompanied by a printout of monthly return (Form GSTR-2A) where inward purchases of the claimant are reflected for the relevant period for which refund is claimed. The claimant shall also submit the details (in prescribed

³¹ Para 2.3 and para 2.4 of Circular No. 59/33/2018-GST, dtd. 04.09.2018 and State Circular No. 24-2018-GST dtd. 25.10.2018

Annexure-A) of the invoices for which the refund is being claimed along with the application for refund. The Proper Officer shall rely upon the information as available in claimant's monthly returns (GSTR-2A) and copies of invoices furnished.

Similarly, as per GoI's instruction (November 2019) followed by State circular in December 2019³², the applicants claiming refunds of unutilised ITC during post-automation period, shall upload a copy of monthly return on inward purchase (FORM GSTR-2A) for the relevant period. Such applicants shall also upload the details of all the invoices (in Annexure-B).

Pre-automation

Scrutiny of records relating to selected cases revealed that in three cases the claimants did not furnish details of invoices (in Annexure A) relating to inward purchases against the refund claimed. Verification of monthly return of inward purchase (GSTR-2A) and invoices furnished by the claimant revealed that the applicant's claim on available ITC was not supported by copies of invoices furnished and monthly return of the particular period (Detailed in **Appendix-X**). However, while sanctioning the refund, the STA considered ITC as claimed by the applicant instead of considering ITC as supported by monthly return and copies of invoices. This resulted in excess grant of refund ₹ 4.70 lakh as detailed below:

Table 2.9:-Excess consideration of ITC

						(₹ in lakh)
Name/GSTIN of the Claimant	ARN & Date	Net input tax credit considered by STA	Net ITC supported by invoice	Maximum refund amount to be Sanctioned	Refund Sanctioned by STA	Irregular Sanction of Refund
Jabbar Ali 18BBGPA8170H1ZO	AA180718023401D Dated 10.04.2019	0.76	0.65	0.65	0.76	0.11
Sahidul Islam Mondal 18AVQPM3704J1Z7	AA180319192298M Dated 05.05.2019	7.37	2.91	2.91	7.37	4.45
Tamser Ali 18AYTPA0971D1ZG	AA1803182153368 Dated 07.12.2018	0.14	0	0	0.14	0.14
Total						4.70

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that the sanctioning authority has verified the invoices, GSTR-3B while sanctioning the refund. However, Audit noticed that invoices were not reflected in GSTR-2A and the Department also could not submit invoices to audit.

Post-automation

On scrutiny of records related to refund cases, Audit noticed that in two cases, the taxpayers³³ did not upload detail of inward invoices in Annexure B along with refund application. Scrutiny of monthly returns revealed that ITC of ₹ 0.80 lakh³⁴ was

³² Circular no. 125/44/2019-GST, Dated 18.11.2019 and State Circular No. 79/2019-GST, Dtd. 23.12.2019

³³ Abdul Khalek Mondal (GSTIN-18BCPPM6468Q2ZC, ARN-AA180620003588A) and Sahidul Islam Mondal (GSTIN-18AVQPM3704J1Z7, ARN-AA180620003286K)

³⁴ ₹ 0.77 lakh + ₹ 0.03 lakh

supported by invoices against applicant's claim of ₹ 4.84 lakh³⁵. However, while finalising the refund case, the STA allowed refund of ₹ 4.84 lakh which was not fully supported by invoices. This resulted in irregular grant of refund of ₹ 4.04 lakh (Details are in **Appendix-XI**).

In reply, the Department stated (November 2021) that due to network connectivity problem, the taxpayer was unable to upload the copies of invoices; however, the tax authority had verified the invoices manually. The Department's reply is not acceptable as net input tax credit (₹ 4.04 lakh) was not reflected in the monthly return (GSTR-2A) and there was no provision for manual submission of invoices.

2.4.6.4 Irregular allowance of refund of inverted tax structure (INVITC)

Out of 117 selected cases under pre-automation period and 96 selected cases under post-automation period, 28 refund cases and 17 refund cases respectively, related to Inverted Tax Structure (INVITC). Out of which in two cases under pre-automation period and in one post-automation sample case, Audit noticed irregularities as enumerated below:

I. Irregular credit in Electronic Credit Ledger (ECL)

STA did not debit CGST component from ECL resulted in irregular credit of ₹ 0.27 lakh.

As per Rule 89(3) of AGST Rules, 2017, where the application relates to refund of input tax credit, the ECL shall be debited by the applicant by an amount equal to the refund so claimed.

Audit noticed that M/s Assam Polymer³⁶ had claimed (August 2019) refund of ₹ 9.59 lakh, ₹ 0.27 lakh and ₹ 0.27 lakh under IGST, CGST and SGST components respectively, and accordingly debited the amounts from the ECL. In October 2019, the STA re-credited the refund amount of ₹ 0.27 lakh under CGST component into the ECL without any recorded reason. However, STA (October 2020) sanctioned the entire amount of refund of ₹ 10.13 lakh (including refund of ₹ 0.27 lakh under CGST component) as claimed by claimant without debit of re-credited amount under CGST component into ECL. This resulted in irregular credit of ₹ 0.27 lakh in ECL of the applicant.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that the taxpayer has deposited the amount³⁷. However, no documents in support of deposit of amount into the Government account has been submitted to audit.

³⁵ ₹ 1.25 lakh + ₹ 3.59 lakh

³⁶ GSTIN-18AATFA8358E2ZY, ARN-AA180819009466R

³⁷ in DRC 03

II. Blockage of working capital

While rejecting the refund application, the STA did not re-credit IGST and CGST component, resulting in blockage of working capital of ₹ 11.59 lakh.

Section 54 of AGST Act, 2017 read with Rule 92 of AGST Rules, 2017 stipulates that refund claim, if found to be in order, is to be sanctioned and paid to the applicant within prescribed time period. Also, where any amount claimed as refund is rejected under Rule 92 of the AGST Rules, 2017, the amount debited to the extent of rejection shall be re-credited to the electronic credit ledger by an order made in FORM GST PMT-03 as per Rule 93(2) of AGST Rules, 2017.

Audit noticed that M/s Assam Polymer³⁸ claimed (February 2019) refund of ₹ 11.82 lakh³⁹ and accordingly debited the amount from ECL. The refund of ₹ 11.82 lakh claimed by the taxpayer was rejected by the STA as there was mismatch of turnover between refund claim and monthly return. Further, Audit noticed that while rejecting the entire refund claim of the applicant, the STA re-credited the debited amount of ₹0.23 lakh under SGST component only into the ECL, leaving the amounts under IGST and CGST component of ₹ 11.36 lakh and ₹ 0.23 lakh. This resulted in blockage of working capital of ₹ 11.59 lakh to the claimant.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that on review of the case in the system, refund claim appears to have been sanctioned and amount of ₹ 11.59 lakh was credited in the Consumer Welfare Fund. The reply of the department as regard sanction of the refund case is not tenable as the SGST amount of ₹ 0.23 lakh could not have been re-credited into ECL without rejection of refund application.

III. Irregular grant of refund

Incorrect consideration of “adjusted total turnover” resulted in excess grant of refund.

Rule 89(5) of AGST Rules, 2017 prescribes, in the case of refund on account of INVITC, refund of input tax credit shall be granted as per the following formula:

Maximum Refund Amount = {(Turnover of inverted rated supply of goods and services) x Net ITC⁴⁰ ÷ Adjusted Total Turnover⁴¹} - tax payable on such inverted rated supply of goods and services.

³⁸ GSTIN-18AATFA8358E2ZY, ARN-AA180818139264U

³⁹ IGST- ₹11.36 lakh, CGST-₹0.23 lakh & SGST-₹0.23 lakh

⁴⁰ Net ITC – The input tax credit availed on inputs during the relevant period other than the input tax credit availed for which refund is claimed

⁴¹ Adjusted Total Turnover- the sum total of the value of the turnover in a State or a Union territory, as defined under clause (112) of section 2 excluding the value of exempt/ nil rated supplies other than zero-rated supplies during the relevant period.

On verification of refund case of Nava Ayush Fragnances (Unit - 2)⁴², it was noticed that the STA calculated refund considering ‘adjusted total turnover’ in RFD-01⁴³ which differs from actual ‘adjusted total turnover’ to be calculated as per GSTR-3B⁴⁴ filed by the applicant. This resulted in irregular grant of refund of ₹ 0.21 lakh (Detailed in **Appendix-XII**) due to consideration of wrong ‘adjusted total turnover’ while calculating refund amount.

The department while accepting the audit observation stated (November 2021) that steps have been taken to recover the excess refund amount. However, the status of recovery of excess refund along with the interest is yet to be intimated to audit.

2.4.6.5 Other cases

In two out of six cases under “Any other” category and in one out of four cases under “Excess pay” category during post-automation period, Audit noticed irregularities which are enumerated below:

I. Irregular grant of Refund

In spite of liability to pay tax on telecommunication license fees and spectrum usage charges under GST law, STA irregularly allowed refund of ₹ 53.34 lakh against tax paid on license fees and spectrum usage charges.

As per Section 7(1) of AGST Act, 2017, the taxable event under GST law is supply⁴⁵ of goods or services. As per GoI notification⁴⁶, services supplied by the Central Government, State Government, Union territory or local authority to a business entity except the services mentioned therein are taxable under reverse charge. The “activity of licensing services for right to use other natural resources including telecommunication spectrum”⁴⁷ is included in Service Accounting Code (SAC) and taxable under GST law.

Scrutiny of refund case of M/s Vodafone Idea Limited⁴⁸ revealed that the taxpayer claimed refund of tax of ₹ 53.34 lakh in January 2020 which was paid on license fees and spectrum usage charges during the month of October 2017. The STA accepted the refund claim and granted refund of ₹53.34 lakh in January 2020. However, GST law provides for tax on ‘license fees and spectrum usage charges’ paid to Government. Thus, refund of ₹ 53.34 lakh was granted irregularly in contradiction of GST law.

⁴² GSTIN-18AKYPD2803Q4ZF, ARN-AA181219003614D

⁴³ RFD-01 is an application for online processing of refund under GST. It is to be e-filed on the GST Portal to claim the refund of taxes, cess and interest.

⁴⁴ GSTR-3B is a self-declared summary GST return filed every month. It must be filed by a registered taxpayer from July 2017 onwards.

⁴⁵ The term ‘supply’ inter alia includes all forms of supply of goods/services or both such as sale, transfer, barter, exchange, license, rental, lease or disposal made or agreed to be made for a consideration in the course of furtherance of business.

⁴⁶ Notification No. 13/2017- Central Tax (Rate) dated 28.06.2017, No similar notification was found to be issued by the GoA.

⁴⁷ SAC 997338

⁴⁸ GSTIN- 18AAACB2100P1ZW, ARN- AA180120001941W (under “XSPAY” Category)

On this being pointed out in Audit (February 2021), the Department stated (November 2021) that action was initiated⁴⁹ for recovery of refunded amount along with applicable interest and penalty as per provisions of the GST law. However, information relating to realisation of amount is still awaited.

II. Grant of refund without passing of debit entry in the Electronic Credit Ledger

The STA sanctioned the refund of ₹ 30.28 lakh without debiting in ECL

As per Rule 89(3) of AGST Rules, 2017, where the application relates to refund of input tax credit, the ECL shall be debited by the applicant by an amount equal to the refund so claimed.

In two refund cases sanctioned in respect of Khushi Energy Solution⁵⁰, it was observed that taxpayers claimed refund of ₹ 30.28 lakh⁵¹ under “Any Other” category though the refund relates to refund of ITC on “Export of Goods and Services without Payment of Tax.” The STA sanctioned the refund as claimed. Refund of ₹ 30.28 lakh was not debited from ECL.

On this being pointed out in Audit (February 2021), the Department stated (November 2021) that the refund was granted wrongly. Out of ₹ 30.28 lakh, ₹ 5.00 lakh has been realised (October 2021) and the taxpayer has agreed to deposit the balance amount within one month. However, full realisation of the amount is yet to be intimated to audit.

2.4.6.6 Evaluation of Internal Control

I. Non-payment of SGST refund amount sanctioned by the State Authority

In 24 cases, sanctioned amount (SGST component) of ₹ 25.89 lakh was not credited to the claimant accounts.

As per GoI’s notification followed by state notification in December 2017⁵², the officers appointed under SGST Act/ UTGST Act or CGST Act are empowered to sanction refund of CGST, IGST and SGST under their respective jurisdiction. During the manual processing of refund claims, the actual payment of the cross-tax components was made by the respective SGST/ UTGST or CGST authorities, as the case may be, based on the communications received from sanctioning authority.

Out of 117 selected cases, in 71 cases, refunds were sanctioned by the STA. Of the 71 sanctioned cases, 44 cases involved sanction of SGST component amounting to ₹ 1.55 crore. Verification of payment data of refund under SGST Head obtained from the Directorate of Accounts and Treasury, Guwahati, Assam revealed that out of these

⁴⁹ under Section 73(1) of the AGST Act, 2017

⁵⁰ GSTIN- 18AENPH8120D1ZN, ARN- AA180220008815K & AA180220008880N

⁵¹ ARN-AA180220008815K dated 19.02.2020 (₹ 1.95 lakh) and AA180220008880N dated 19.02.2020 (₹ 28.33 lakh)

⁵² No. 39/2017 Central Tax dated 13.10.2017 and State Notification No. FTX.56/2017/168 Dtd. 01.12.2017

44 cases, in 24 cases, SGST component amounting to ₹ 25.89 lakh (Details in **Appendix-XIII**) is yet to be deposited into the claimant accounts by the Department.

On this being pointed out in Audit (in September 2021), the Department while accepting the audit observation stated that in 12 cases payments were not made due to un-intentional delay in forwarding of payment advice to the Treasury Officer; however, the same have now been issued. In other 12 cases, the Department stated that the refunds were credited into taxpayers' accounts in time; however, documents in support of deposits were not made available to Audit.

II. Improper/Non-maintenance of refund registers

In seven offices, refund registers were either not maintained or not properly maintained.

As per CBIC circular⁵³ (November 2010), three different refund registers were to be maintained in State GST Offices for processing of refund claims. Out of 34 State GST offices, Audit scrutiny in 24 offices revealed that in five⁵⁴ offices refund registers as mandated for manual processing of refund claims were not maintained properly and in two offices⁵⁵, registers were not maintained. Due to improper/non-maintenance of registers/ records, in many cases information like ARN, ARN date, Sanction/Rejection date were not provided.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated (November 2021) that registers were now being maintained properly.

III. Delay in communicating refund sanction order to Counterpart Tax Authority

In 53 cases, there were delays in communication of refund orders to CTA.

As per GoI's Circular dated 21 December 2017⁵⁶, the refund order issued either by the CTA or the STA/UTA shall be communicated to the concerned counterpart tax authority within seven working days for the purpose of payment of the relevant sanctioned refund amount of tax or cess, as the case may be.

Audit noticed that out of 798 refund orders issued by the State Tax Authority⁵⁷ during pre-automation period, 53 refund orders involving ₹ 92.21 lakh⁵⁸ (Details in **Appendix-XIV**) were forwarded to the Central Tax Authority with a delay ranging from 1 to 454 days. Age-wise breakup is given in **Table 2.10**:

⁵³ Circular No. 17/17/2017- GST, Dtd. 15.11.2017 (No such similar circular was found to be issued by GoA)

⁵⁴ ACT, SGST Guwahati Unit-A, B, C, D and Nagaon

⁵⁵ ACT, SGST Goalpara and Doomdooma

⁵⁶ Circular No.24/24/2017-GST Dtd. 21.12.2017 (No such circular found to be issued by the GoA)

⁵⁷ Name of the unit offices- ACT, Unit A, B, C, D, Guwahati, Dhubri, Bongaigaon, Silchar, Tinsukia, Jorhat, Sivasagar, Morigaon, Dibrugarh, Dhekiajuli, Dhemaji, Goalpara, Barpeta, Digboi, Doomdooma, Nagaon, Tangla, Golaghat, Haflong, Karimganj, Mangaldoi, Naharkatia, Kokrajhar, Biswanath Chariali and Hojai

⁵⁸ IGST- ₹ 18.35 lakh + CGST- ₹ 66.31 lakh + Cess- ₹ 7.55 lakh

Table 2.10:-Delay in communication of refund order to counterpart Tax Authority

Range of delay (in days)	Number of Records
Up to 3 months	38
3 to 6 months	10
More than 6 months	5

In the absence of correct date of sanction and forwarding date of refund orders to CTA, in 348 cases involving ₹ 8.07 crore, Audit could not calculate actual delays.

Further, as per data made available to Audit, it was noticed that out of 74 refund cases sanctioned by CTA upto July 2020, 12 refund orders involving ₹59.46 lakh (Details in **Appendix-XV**) were received by the STA with a delay ranging from 12 to 224 days. Age-wise breakup is given in **Table 2.11**:

Table 2.11:-Delay in receipt of refund sanction order from CTA

Range of delay (in days)	Number of Case
Up to 3 months	8
3 to 6 months	2
More than 6 months	2

Thus, the Department did not adhere to the timeline prescribed in the circular.

On this being pointed out during December 2020 to March 2021, the Department while accepting the audit observation stated (November 2021) that the delay was mainly due to inadequate awareness in the initial stages of GST implementation, delay in appointment of Nodal Officer etc.

IV. Non-production of records

Five refund cases were not made available to Audit.

Out of 117 selected refund cases pertaining to pre-automation period, 46 refund cases under the jurisdiction of ACT, SGST, Guwahati Unit-B, Guwahati Unit-C and Nagaon were called for audit. However, despite follow up, five refund cases (details in **Appendix-XVI**) were not made available to Audit. In the absence of these records, Audit could not verify department's actions and performance in these cases.

On this being pointed out in Audit (December 2020 to March 2021), the Department stated that in four cases records could not be produced to Audit as the same were not traceable during the audit period and in one case, the taxpayer falls under the jurisdiction of Central Authorities. However, Audit noticed that as per GST common portal, all the taxpayers were under the jurisdiction of the State Authorities.

2.4.7 Systemic issue

2.4.7.1 Non-conduct of post-audit of refund claims

The CBIC vide its circular⁵⁹ instructed all the refunds sanctioning authorities for continuance of post-audit of refund orders. Audit noticed lack of a similar system of post-audit in the State GST offices.

⁵⁹ Circular No. 17/17/2017- GST, Dtd. 15.11.2017 (No such similar circular was found to be issued by the GoA.)

On this being pointed out in Audit (between December 2020 and March 2021), the Department stated (November 2021) that there were no clear-cut extant guidelines/instructions from the Proper Authority for post-audit of the refund cases. However, these refund cases will be forwarded for post-audit in due course as per guidelines.

2.4.8 Conclusion

Timely processing of refund claimed by taxpayer is important, as delay in refund process may affect the working capital and cash flow of supplier. Audit of refunds processed by the department during pre-automation and post-automation period from July 2017 to July 2020 revealed various issues viz., non-adherence of the rules/orders made under GST Law, delay in issuance of acknowledgment, delay in grant of provisional refund and finalisation of refund cases, rejection of sanction orders issued by counterpart authority in violation of GoI's instruction. There were cases of excess refund due to wrong consideration of figures on 'adjusted total turnover' & 'accumulated ITC not supported by invoices' under export without payment of tax/ inverted duty structure.

2.4.9 Recommendations

The Department may consider following recommendations:

- *The Department may monitor strict compliance of provisions regarding issuance of acknowledgement within the prescribed time limit.*
- *The Department needs to ensure timely processing/ payment of refunds as delayed payments would attract interest liability as well as prolonged blocking of capital.*
- *The Department may address issues relating to auto calculation of interest in the system in case of delay in sanction of refund.*
- *The Department may consider to put in place a system of post-audit of refund cases by issuing detailed instructions/guidelines.*

2.5 Compliance Audit on “Transitional Credits under GST”

2.5.1 Introduction

Introduction of Goods and Service Tax (GST) was a significant reform in the field of indirect taxes in our country, which replaced multiple taxes levied and collected by the Centre and States. GST is a destination based tax on supply of goods or services or both, which is levied at multi-stages wherein the taxes will move along with supply. The tax, which is levied simultaneously by the Centre and States on a common tax base will accrue to the taxing authority having jurisdiction over the place of supply. Central GST (CGST) and State GST (SGST)/ Union Territory GST (UTGST) are levied on intra state supplies, whereas Integrated GST (IGST) is levied on inter-state supplies. Availability of input tax credit (ITC) of taxes paid on inputs, input services and capital goods for set off against the output tax liability is one of the key features of GST. This will avoid cascading effect of taxes and ensure uninterrupted flow of credit from the seller to buyer. To ensure the seamless flow of input tax from the existing laws into GST regime, ‘Transitional arrangements for input tax’ was included in the GST Acts to provide for the entitlement and manner of claiming input tax in respect of appropriate taxes or duties paid under existing laws.

2.5.2 Transitional arrangements for input tax credit

Section 140 of Assam GST Act, 2017 (AGST), 2017 enables the taxpayers to carry forward the ITC earned under the existing laws to the GST regime. The section read with Rule 117 of the AGST Rules, 2017 under Chapter heading ‘Transitional Provisions’ also prescribes elaborate procedures in this regard. Under the transitional arrangements for ITC, the ITC of various taxes paid under the existing laws such as Central Value Added Tax (CENVAT credit), Assam Value Added Tax (AVAT) etc. are eligible to be carried forward to GST regime by filling forms TRAN-1 and TRAN-2 as under:

- (a) Closing balance of credit in legacy return:** The closing balance of CENVAT credit /VAT credit available in the returns filed under the existing law for the month immediately preceding the appointed day can be taken as credit in Electronic Credit Ledger (ECL).
- (b) Un-availed credit on capital goods:** The balance instalment of un-availed credit on capital goods can be taken by filing the requisite declaration in GST TRAN-1.
- (c) Credit on duty paid stock:** A registered taxable person, other than the manufacturer or service provider, may take the credit of the duty/ tax paid on goods held in stock based on the invoices.
- (d) Credit on duty paid stock when Registered Person does not possess the document evidencing payment of excise duty/VAT:** Traders who do not have excise or VAT invoice, are eligible to take credit on the duty paid stock, under certain conditions.

(e) Credit relating to exempted goods under the existing law which are now taxable: Input Tax Credit of CENVAT/VAT in respect of input, semi-finished and finished goods in stock attributable to exempted goods or services which are now taxable in GST.

(f) Input/input services in transit: The input or input services received on or after the appointed day but the duty or tax on the same was paid by the supplier under the existing law.

(g) Tax paid under the existing law under composition scheme: The taxpayers who had paid tax at fixed rate or fixed amount in lieu of the tax payable under existing law, now working under normal scheme under GST can claim credit on their input stock, semi-finished and finished stock on the appointed date.

(h) Credit in respect of tax paid on any supply both under Value Added Tax Act and under Finance Act, 1994: Transitional credit in respect of supplies, which attracted both VAT and Service tax under existing laws, for which tax was paid before the appointed date and supply of which is made after the appointed date.

Taxpayers claim the components of transitional credit by filling information in the appropriate tables of the two forms, TRAN-1 and TRAN-2 as mentioned in **Table 2.12**.

Table 2.12:-Various tables and Components of forms TRAN-1 and TRAN-2

Return	Table No.	Transitional Credit Component
TRAN-1	5 (c)	Tax credit carried forward
TRAN-1	6 (a)	Un-availed credit on capital goods
TRAN-1	6 (b)	Un-availed VAT /ET credit on capital goods
TRAN-1	7 (a) A	Credit on duty paid stock-with invoices
TRAN-1	7 (a) 7B	Credit on duty paid stock-without invoices
TRAN-1	7 (b)	Credit on Input/Input Services in transit
TRAN-1	7 (c)	Amount of VAT & Entry Tax paid on inputs not supported by invoices
TRAN-1	8	Transfer of credit by centrally registered units
TRAN-1	9 (a)	Details of goods sent as principal to the job worker under section 141
TRAN-1	9 (b)	Details of goods held in stock as job worker on the behalf of the principal under section 141
TRAN-1	10 (a)	Details of goods held in stock as agent on behalf of the principal under Section 142 (14) of the SGST Act
TRAN-1	10 (b)	Details of goods held by the agent
TRAN-1	11	Credit in respect of tax paid before the appointed day and supply made after the appointed day
TRAN-2	4	Credit afforded on stocks claimed without invoices

All registered taxpayers, except those who are opting for payment of tax under the composition scheme (under section 10 of the GST Acts), are eligible to claim transitional credit by filing TRAN-1 returns within 90 days from the appointed day. The time limit for filing TRAN-1 returns was extended initially till 27 December 2017. However, many taxpayers could not file the return within the due date due to technical difficulties. Thus, sub-rule 1A was inserted⁶⁰ under Rule 117 of AGST Rules, 2017 to accommodate such taxpayers. The due date for filing TRAN-1 was further extended⁶¹

⁶⁰ vide Notification 48/2018 CT dated 10.09.2018

⁶¹ vide CBIC order No.01.2020-GST dated 07.02.2020

to 31 March 2020, for those taxpayers who could not file TRAN-1 due to technical difficulties and those cases recommended by the GST Council.

2.5.3 Audit objectives

Transitional credit claims directly impact GST revenues as the credit is eligible for set off against the output tax liability of taxpayers. Thus, the audit of transitional credit was taken up with the following objectives seeking assurance on:

- i. Whether the mechanism envisaged by the Department for selection and verification of transitional credit claims was adequate and effective; and
- ii. Whether the transitional credits carried over by the taxpayers into the GST regime were valid and admissible.

2.5.4 Audit scope and Audit criteria

The Subject Specific Compliance Audit (SSCA) on Transitional Credit under GST was conducted for the period covering from 1 July 2017 to 31 March 2020. The audit scope comprised review of Transitional credit returns (TRAN-1 and TRAN-2) filed by the taxpayers under Section 140 of the AGST Act, 2017. Audit scrutiny involved effectiveness of the departmental verification process, outcome of independent audit examination of selected transitional credit claims for compliance assurance and follow up action taken on the deviations detected. Section 140 of the AGST Act, 2017 governs the transition of CENVAT credit from the legacy Central Excise and Service Tax and ITC from legacy VAT provisions. The section, read with Rule 117 of the AGST Rules, 2017 and Chapter on Transitional Provisions of AGST Rules, 2017 and relevant Notifications/Circulars issued by the Central Board of Indirect Taxes and Customs and Government of Assam, constitute the criteria for audit.

2.5.5 Audit methodology and sample

The audit was conducted between March 2021 and November 2021. An Entry Conference was held on 23 March 2021 with the Additional Commissioner of State Taxes (ACoT), Assam wherein the scope, methodology and objectives of the SSCA were discussed. The audit involved the examination of the records pertaining to Transitional Credits maintained in the field formations⁶², transitional returns verification process adopted by the Department and follow up action taken on the deviations detected. It also involved an independent audit examination of selected transitional credit claims for compliance assurance.

A risk based audit sample of 302 cases involving transitional credit of ₹ 94.38 crore pertaining to the State of Assam, was selected for detailed scrutiny. The methodology adopted for selection of sample cases is detailed in **Appendix-XVII**. Unit wise details of the cases selected are shown in **Appendix-XVIII**.

⁶² Offices of the Assistant Commissioner of Taxes/ Superintendent of taxes under the administrative control of the Commissioner of State GST, Assam.

2.5.6 Audit findings

The audit findings are categorised into two broad areas as systemic and compliance issues based on the objectives of audit. The systemic issues address the adequacy and effectiveness of the envisaged verification mechanism while the compliance issues address the deviations in individual cases from the provisions of the Acts/ Rules. The extent of deviations noticed during the verification of sample case given in **Table-2.13**.

Table-2.13: Cases of deviations

(₹ in lakh)

Nature of Audit Observation	Audit Sample		Number of deficiencies noticed		Deficiencies as per cent of sample	
	No.	Amount	No.	Amount	No.	Amount
Excess credit carry forward	276	6212.21	47	548.37	17.02	8.83
Irregular carried forward of Input tax credit due to pending statutory Form (C, F & H)			36	542.05	13.04	8.73
Credit carried forward without submitting TDS certificate, challans etc.			15	360.05	5.43	5.80
Transitional credit claimed without filing legacy return			08	273.62	2.90	4.40
Irregular carry forward of ITC without purchase details			05	49.14	1.81	0.79
Transitional credit claimed incorrectly			03	331	1.08	5.42
Excess credit in ECL remain undetected	302	9438.00	02	23.65	0.66	0.25
Credit on duty paid stock	78	1129.02	01	1.28	1.51	0.13
Credit on VAT paid stock	11	75.45	01	0.53	9.09	0.70

2.5.7 Non production of records

The table wise representation of the sample cases and status of record production to Audit are given in **Table 2.14**:

Table 2.14:-Table wise representation of sample cases and records produced to audit

(₹ in crore)

Table-wise Transitional Credits claimed in the TRAN-1 Return	Audit sample		Records provided by the Department		Records not provided by the Department	
	No. of cases	Transitional Credit involved	No of cases	Amount involved	No of cases	Amount involved
5(a)	24	12.23	10	4.62	14	7.61
5(c)	276	62.12	272	61.36	4 ⁶³	0.76
6(a)	9	0.85	3	0.03	6	0.82
6(b)	3	0.29	0	0	3	0.29
7a(A)	78	11.29	27	1.92	51	9.37
7a(B)	54	5.24	13	0.43	41	4.81
7(b)	11	1.60	6	0.11	5	1.49
7(c)	11	0.75	2	0.09	9	0.66
11	1	0.01	1	0.01	0	0
Total	467	94.38	334	68.57	133	25.81

⁶³ M/s. H B Traders (GSTN 18ACLPH1665B1ZT), M/s Dhanraj Golcha & Co. (GSTN 18ACAPG7284Q1ZZ), M/s Toshiaba Water Solution Pvt. Ltd. (GSTN 18AAACU0043Q1Z5) (TIN 18120104257 , GRN 18300104255)

Audit could not verify the correctness of transitional credit claimed by the taxpayers where related records such as legacy returns (VAT and ER1⁶⁴), invoices/ duty paid documents⁶⁵, various statutory forms⁶⁶ under the CST Act, 1956, Tax deducted at source (TDS) certificate⁶⁷, etc. were not made available to audit. Illustrative cases where records were not available and Audit could not verify correctness of claims are discussed below:

- (i) As per Section 140(1) of the CGST Act, 2017, a registered person shall be entitled to take, in his ECL, amount of CENVAT credit, if any, carried forward in the return relating to the period ending with the day immediately preceding the appointed day furnished by him under existing law.
 - 24 taxpayers had carried forward CENVAT credit (in table 5(a) of TRAN-1 return) of ₹ 12.23 crore. The six State GST unit offices⁶⁸ could not arrange to produce returns (ER1) for the last six months immediately preceding the appointed day in respect of 14 taxpayers (out of 24 taxpayers), who had carried forward CENVAT credit of ₹ 7.61 crore. The details are in **Appendix-XIX**.
- (ii) As per Section 140(2) of the CGST/AGST Act, 2017, a registered person shall be entitled to take credit of un-availed CENVAT /VAT Credit in respect of capital goods not carried forward in a return furnished under an existing law for the period ending with the day immediately preceding the appointed day. Taxpayers were required to claim un-availed CENVAT credit of capital goods in Table 6(a) and un-availed VAT credit in Table 6(b) of the TRAN-1 returns.
 - Six taxpayers relating to two unit offices⁶⁹ had claimed transitional credits amounting to ₹ 82.42 lakh in table 6(a) of TRAN-1 return. The Department could not arrange to produce invoices of CENVAT credit already taken and un-availed credit on capital goods which was eligible for transitional credit. The details are shown in the **Appendix-XX**.
 - Three taxpayers relating to three unit offices⁷⁰ had claimed transitional credits amounting to ₹29.36 lakh in Table 6(b) of TRAN-1 return. The Department could not arrange to produce invoices of VAT credit taken and un-availed credit on capital goods which was eligible for transitional credit. The details are shown in **Appendix-XXI**.
- (iii) Under the provisions of Section 140(3) of the CGST/AGST Act, 2017, a registered person, who was not registered under the existing law or was engaged in the manufacture of exempted goods or provision of exempted services or provided works contract service⁷¹ and shall be entitled to take credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished

⁶⁴ Available with the jurisdictional authority of the Central Government.

⁶⁵ Available with the taxpayers

⁶⁶ Available with the unit offices

⁶⁷ Available with the unit offices.

⁶⁸ ACT, Guwahati, Unit-A, B, C, D, Tinsukia and ST, Goalpara

⁶⁹ ACT, Guwahati, Unit-C & D.

⁷⁰ ACT, Guwahati, Unit-B, C & D.

⁷¹ was availing of the benefit of notification No. 26/2012-Service Tax, dated the 20 June, 2012

or finished goods held in stock on the appointed day. Further, AGST Act, 2017 provides that a registered person, who was not liable to be registered under the existing law, is also entitled to claim Transitional credit on goods held in stock or has suffered tax at the first point of their sale under the existing law on the appointed day. Such registered person is in possession of invoices or other prescribed documents evidencing payment of tax under the existing law in respect of such claims. The taxpayer availing CENVAT credit in Table 7.a.(A) of TRAN-1 return and VAT credit in 7(c) must be in possession of invoice or other prescribed documents evidencing payment of duty under the existing law and such documents were issued not earlier than twelve months immediately preceding the appointed day.

Further, a registered person, when not in possession of documents evidencing payment of duty, is also eligible for taking credit is afforded only after filing TRAN-2 returns evidencing of supply of such goods which was captured in table 7.a.(B) of TRAN-1 return.

- 51 taxpayers relating to 11 unit offices⁷² claimed transitional credit of ₹ 9.37 crore on duty paid stock having invoices/ duty paid documents in table 7.a.(A) of TRAN-1. The Department could not arrange to produce invoices/duty paid documents in support of their claim. The details are given in **Appendix-XXII**.
 - 41 taxpayers relating to four unit offices⁷³ claimed transitional credit of ₹ 4.81 crore in table 7.a.(B). The Department could not arrange to produce outward invoices evidencing disposal of those goods within six months from the appointed day on which transitional credit was availed by the taxpayers. The details are in **Appendix-XXIII**.
 - Nine taxpayers relating to five unit offices⁷⁴ had claimed transitional credits of ₹ 65.99 lakh in table 7(c) of TRAN-1 return. The Department could not arrange to produce VAT paid invoices in support of transitional credit claimed by the taxpayers. The details are shown in **Appendix-XXIV**.
- (iv) Section 140(5) of CGST/ SGST Act prescribes that a taxpayer shall be entitled to take credit of eligible duties and taxes in respect of inputs or input services received on or after the appointed day but the duty or tax in respect of which has been paid by the supplier under existing law. The credit of eligible duties under this provision was to be claimed under table 7(b) of TRAN-1.
- Five taxpayers, had claimed CGST and SGST credit of ₹ 1.47 crore and ₹ 2.64 lakh respectively on goods in transit in table 7(b) of TRAN-1 return and the amount was credited in ECL. The Department could not arrange to produce duty and tax paid invoices as well as accounting credit ledger. The details are given in **Appendix-XXV**.

⁷² ACT, Guwahati, Unit-A, B, C, D; ACT, Bongaigaon; ST, Goalpara; ACT, Dibrugarh; ST, Mangaldai; ACT, Nagaon; ACT, Silchar and ST, Karimganj.

⁷³ ACT, Guwahati, Unit-A, B, C & D.

⁷⁴ ACT, Guwahati, Unit-A, B, C, D, ACT, Dibrugarh.

Systemic issues

Audit objective 1: Whether the mechanism envisaged by the Department for selection and verification of Transitional credit claims was adequate and effective.

2.5.8 Verification mechanism envisaged by the Department

Rule 121 of the AGST Rules, 2017 provides that the amount credited under sub-rule (3) of rule 117 may be verified and proceedings under section 73 or, as the case may be, section 74 shall be initiated in respect of any credit wrongly availed, whether wholly or partly. State Commissionerate additionally circulated an instruction through e-mail (December 2017) to all field Officers to conduct the necessary verification of transitional credits that were effected by migrated/ new taxpayers along with a list of taxpayers (Circle-wise).

The status of transitional credit claimed by the taxpayers under the jurisdiction of the State authority and claims verified thereof are shown in **Table 2.15**:

Table 2.15:-Statement of transitional credit claims and verification

(₹ in crore)

Total registered dealers	No of dealers who claimed transitional credit	Amount of transitional credit claimed	No of transitional credit cases verified	Amount of transitional credit claimed verified
1,13,474	1,921	762.02	0	0

As per information furnished by the ACoT, Assam and concerned ACT/ ST of unit offices, it was noticed that out of total 1,13,474 registered taxpayers under jurisdiction of State GST authority, 1,921 taxpayers had claimed transitional credit of ₹ 762.02 crore by filing TRAN-1 and TRAN-2 returns. In reply to audit queries regarding verification status of transitional credits as directed by the Commissionerate, all the AsCT/ SsT stated that transitional credits claimed by the taxpayers were not verified at the State unit level as no specific target or timeline was set by the State Commissionerate for verification.

Thus, Audit could not assess the extent/ quality of verification done by the department and the audit independently attempted to assess the correctness of transitional credits claimed by the taxpayers in 302 selected cases involving transitional credit of ₹ 94.38 crore.

Compliance issues

Audit objective 2: Whether the transitional credits carried over by the assesses into GST regime were valid and admissible.

The compliance issues pertain to the validity and admissibility of the transitional credits carried over by the taxpayers into GST regime.

Our review broadly disclosed various deficiencies in the transitional credits claims of taxpayers across various categories under Section 140 and Section 50(3) of the AGST Act, 2017. These compliance deviations are detailed in the succeeding paragraphs.

2.5.9 Irregularities in carry forward of closing balance in the last returns

As per Section 140(1) of AGST Act, 2017, the registered person is allowed to carry forward balance of ITC in the return relating to period ending with the day immediately preceding the appointed day subject to submission of all statutory forms under the existing law, TDS certificate and all the returns required under existing law for the period of last six month.

2.5.9.1 Inadmissible carry forward of tax credit

We noticed that out of 276 taxpayers who had claimed transitional credit in Table 5(c) of TRAN-1 return, 114 taxpayers (41 *per cent*) had claimed inadmissible transitional credit of ₹ 21.10 crore, and on which interest of ₹ 14.02 crore is also leviable as shown in **Table 2.16**:

Table 2.16:-Category wise inadmissible transitional credit claimed

(₹ in crore)

Sl. No.	Nature of inadmissible transitional credit in table 5(c) of TRAN-1	Number of Taxpayers involved	Number of unit offices involved	Inadmissible amount claimed	Interest involved	Details in Appendices/ paragraphs
1	Excess credit carry forward of ITC	47	16	5.48	3.53	Appendix-XXVI
2	Claimed ITC irregularly without submission of Statutory forms under the CST Act, 1956 (Forms C, F and H)	36	7	5.42	3.58	Appendix-XXVII
3	Claimed ITC which were not admissible due to non-furnishing of Tax Deducted at Source (TDS) certificate, payment challans etc.	15	9	3.60	2.49	Appendix-XXVIII
4	Claimed without filing legacy returns	8	6	2.74	1.82	Appendix-XXIX
5	Claimed without submission of purchase details	5	2	0.49	0.34	Appendix-XXX
6	Transitional credit claimed incorrectly	3	3	3.37	2.26	Paragraph-2.5.9.1 (vi)
Total		114		21.10	14.02	

Findings of each of these categories are illustrated below:

I. Excess credit carried forward

Audit noticed that 47 taxpayers under the jurisdiction of 16 State GST unit offices⁷⁵ had carried forward balance ITC of VAT regime amounting to ₹ 9.70 crore against actual balance of ITC of ₹ 4.22 crore as per last returns under the existing law. This resulted in excess claim of ITC of ₹ 5.48 crore while carrying forward balance ITC of

⁷⁵ AsCT, Guwahati Unit-(A, B, C, D), Dibrugarh, Tinsukia, Bongaigaon, Dhubri, Golaghat, Silchar, Barpeta Road and SsT, Goalpara, Barpeta, Naharkatia, Biswanath Chariali and Digboi.

VAT (in Table 5(c) of TRAN-1 return). The taxpayers are liable to reverse the excess ITC of ₹ 5.48 crore credited in ECL along with interest of ₹ 3.53 crore for excess claim.

On this being pointed out by Audit (between April to November 2021), the ACT/ ST of three State GST unit offices⁷⁶ have realised ₹ 1.55 lakh including interest of ₹ 0.17 lakh from 03 taxpayers⁷⁷. Realisation/ reversal of excess claim from other taxpayers is awaited.

II. Credit carried forward pending statutory Forms (C, F and H):

The CST (Registration and Turnover) Amendment Rules, 2005 (effective from October 2005) provide that the declarations in form 'C/D/E-I/E-II/F/H' shall be furnished to the prescribed authority within three months after the end of the period to which the declaration form or the certificate relates.

Audit noticed that 36 taxpayers under seven unit offices⁷⁸ claimed transitional credit amounting to ₹ 5.42 crore in table 5(c) by filing TRAN-1 Form. On scrutiny of returns for the period April 2015 to June 2017 under the CST Act, 1956, it was noticed that statutory forms valued ₹ 268.28 crore were not available in the departmental records. Audit requested the department to arrange to furnish statutory forms relating to these 36 taxpayers for scrutiny; however, the department failed to produce the same to audit. Thus, in absence of statutory forms, Audit could not assess the correctness of transitional claim of ₹ 5.42 crore.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/ SsT are awaited.

III. Credit carried forward pending TDS Certificate:

Sub-rule 1(d) of Rule 28 of Assam Value Added Tax Rules, 2005 provides that the person who deducts or deposit any TDS under sub-rule (1) shall, within seven days from the date of deposit of the amount deducted from any payment made to a dealer, issue to the dealer concerned, a certificate of tax deducted in Form-29 in duplicate in respect of such deduction and deposit together with attested photocopy of the Challan. The dealer shall furnish one copy of the certificate and the Challan copy for adjustment of such deposit against his dues to the prescribed authority.

Audit noticed that 15 taxpayers relating to nine unit offices⁷⁹ availed transitional credit of ₹ 3.88 crore by filing information in Table 5(c) of TRAN-1. Scrutiny of VAT returns of these taxpayers revealed that taxpayers had adjusted the TDS of ₹ 5.73 crore against the tax paid. The Department could produce TDS certificates of only ₹ 0.28 crore out of ₹ 5.73 crore. The balance TDS certification of ₹ 5.45 crore could not be produced

⁷⁶ ACT, Dibrugarh and Barpeta Road and ST, Naharkatia

⁷⁷ M/s Agarwal Pharmaceuticals, GSTIN-18ABZPA0117A1Z5 (Under the jurisdiction of the ACT, Dibrugarh) , M/s Chenireema Trader, GSTIN-18AGOPG3989L1ZJ (under the jurisdiction of the ST, Naharkatia) and M/s Sohail Agro Service, GSTIN-18ASCPK4842Q1Z6 (under the jurisdiction of ACT, Barpeta Road).

⁷⁸ ACT, Guwahati Unit-A, B, C, D, ACT, Tinsukia, ST, Naharkatia, ACT, Nagaon.

⁷⁹ ACT, Guwahati Unit-A, C, D, ST, Kokrajhar, ACT, Barpeta Road, ACT, Dibrugarh, ACT, Tinsukia, ACT, Jorhat, and ST, Dhekiajuli

even though called for during audit. Thus, in the absence of TDS certificates, Audit could not assess the correctness of transitional claim of ₹ 3.60 crore.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/ SsT are awaited.

IV. Transitional Credit claimed without filing legacy returns

Audit noticed that eight taxpayers who did not file legacy returns for the last six months, had claimed transitional credits of ₹ 2.74 crore in table 5(c) of TRAN-1 return which is in contravention of the provisions of GST Acts. Thus, the taxpayers are liable to reverse credit of ₹ 2.74 crore in addition to payment of interest of ₹ 1.82 crore for availing inadmissible transitional credit.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/ SsT are awaited.

V. Inadmissible carry forward of ITC without documentary evidence:

Vide Assam Government Notification No.FTX.55/2005/Pt-II/96, dated 29 March 2008 amendment to Form-13 (Tax Returns prescribed under Section 17(1) and 17 (2) of Assam Value Added Tax Rules, 2005) was carried out. As per the revised Form the taxpayers were required to furnish details of list of purchases against tax invoices from registered dealers within the state (local purchases) under Part G.

Audit noticed that five taxpayers had availed transitional credit of ₹ 0.89 crore in 5(c) of TRAN-1 return. Scrutiny of VAT returns for the last six months under the existing law revealed that the tax payers had availed ITC of ₹ 0.49 crore without providing details of local purchases⁸⁰. Thus, inadmissible ITC amounting to ₹ 0.49 crore was availed by the taxpayers resulting in excess carry forward of transitional credit in ECL. The amount of inadmissible transitional credit claimed is shown in **Table 2.17**:

Table 2.17:-Details of Transitional Credit Claimed without details of ITC availed

(₹ in lakh)					
Sl. No.	Auditee Units	Name of the Taxpayers	GSTIN	Irregular ITC	Interest
1	ACT, Unit-D, Guwahati	M/s DRS Enterprise	18ACBPJ5697F1ZD	1.22	0.79
2		M/s Manas Enterprise	18AJQPP3553J1ZL	6.26	4.41
3	ACT, Nagaon	M/s J.J. Distributor	18AEUPB4436P1ZU	15.76	11.11
4		M/s Juharmal Jaskarn	18AFNPB3687G1Z7	25.12	16.95
5		M/s Assam Machinery Stores	18AAFHA8014H1ZI	0.78	0.52
Total				49.14	33.78

The taxpayers are liable to reverse the excess claim of transitional credit of ₹ 0.49 crore along with interest of ₹ 0.34 crore.

On this being pointed out by Audit (between April to November 2021), the ACT, Nagaon stated (October 2021) that an amount of ₹ 1.48 lakh including interest was realised. The replies from other AsCT are awaited.

⁸⁰ in Part 'G' of legacy returns

VI Transitional credit claimed incorrectly

We noticed three cases of irregular carry forward of transitional credit, as follows:

- M/s NHPC, Subansiri Lower Project⁸¹ coming under the jurisdiction of ST, Dhemaji had claimed transitional credit amounting to ₹ 2.56 crore in table 5(c) of TRAN-1 return. Scrutiny of legacy return (VAT annual return) for the period 2015-16 revealed that taxpayer had brought forward ITC from a previous 2014-15 tax period amounting to ₹ 2.74 crore. However, as per the Assessing Officer (scrutiny u/s 33 of AVAT Act, 2005) there was no balance ITC at the end of tax period 2014-15. The credit availed during the 2014-15 by the taxpayers was subsequently transferred to 2015-16, 2016-17 and 2017-18 (up to June 2017). Thus, the non-detection of incorrect carry forward of ITC of ₹ 2.74 crore by the department resulted in excess claim of transitional credit of ₹ 2.56 crore. The taxpayer is liable to reverse incorrect credit of ₹ 2.56 crore in ECL besides payment of interest of ₹ 1.77 crore.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/SsT are awaited.

- M/s Drug House⁸² under the jurisdiction of the ACT, Dibrugarh claimed transitional credit of ₹ 11.96 lakh in table 5(c) of TRAN-1 on unadjusted ITC. As per assessment order (November 2020) for the business period 2016-17, the taxpayer's unadjusted/ excess ITC was nil. Scrutiny of his monthly return for the period from April 2017 to June 2017 revealed that the taxpayer had brought forward ITC of ₹ 31.41 lakh from the previous period. Thus, the taxpayer had brought forward excess ITC of ₹ 31.41 lakh which resulted in inadmissible claim of Transitional Credit of ₹ 11.96 lakh. The taxpayer is required to reverse the inadmissible transitional credit claim of ₹ 11.96 lakh in addition to interest of ₹ 7.89 lakh for availing inadmissible transitional credit.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/SsT are awaited.

- M/s Tata Project limited⁸³, Missa, Nagoan under the jurisdiction of the ACT, Nagaon claimed transitional credit ₹ 97.49 lakh in table 5(c) of TRAN-1 return. As per the taxpayer's Annual return for the period 2016-17 under the existing law, the unadjusted ITC was ₹ 34.62 lakh. Scrutiny of monthly return for the period April 2017 to June 2017 revealed that the taxpayer had brought forward ITC of ₹ 97.49 lakh from the previous period in his monthly return for the period April 2017. Thus, the taxpayer had brought forward excess ITC of ₹ 62.82 lakh which resulted in claim of inadmissible transitional credit of ₹ 62.86 lakh. The taxpayer is liable to reverse inadmissible transitional claim of ₹ 62.86 lakh in addition to

⁸¹ GSTIN- 18AAACN0149C1ZY

⁸² GSTIN- 18AABFD6509N1Z6

⁸³ GSTIN- 18AAACT4119L1Z7

interest of ₹ 40.54 lakh for excess claim of transitional credit. Further, the taxpayer had adjusted ₹ 6.03 lakh TDS in April 2017 which was not supported by TDS certificate from the tax deductor.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/ SsT are awaited.

2.5.9.2 Excess credit in ECL remained undetected

As per Rule 117 of the CGST Rules, 2017, every registered person is eligible to take credit of input tax in ECL by submitting a declaration in Form GST TRAN-1.

Cross verification of TRAN-1 application filed by the taxpayers and amount credited in ECL revealed that the two taxpayers, viz., M/s Swastik Solutions and M/s Fuel Source (India) Pvt. Ltd. claimed ₹ 4.27 lakh in TRAN-1; however, in ECL ₹ 27.92 lakh was credited. This resulted in excess credit of ₹ 23.65 lakh in the ECL. Audit also noticed that in another three cases where a total amount of ₹ 53.34 lakh was credited in ECL in excess of the amount claimed in TRAN-1, which was later reversed by the taxpayers themselves. Thus, non-verification of transitional credit claimed by the taxpayers resulted in excess allowance of transitional credit. Details of excess claims are shown in **Table 2.18:**

Table 2.18:-Details of excess claims

(₹ in lakh)

Sl. No.	Name of Auditee Units	Name of taxpayer and GSTIN	CGST/SGST component	Date of filing of TRAN-1	AS per TRAN-1 claim amount	As per ECL credit amount	Excess credit	Date of reversal of excess claim
1	ACT, Unit-C	M/s Swastik Solutions 18ADUPL2894G1ZV	CGST	25-08-2017	0.00	9.96	9.96	Not reversed
2	ST, Goalpara	M/s Fuel Source (India) Pvt. Ltd. 18AAACF2978B2ZQ	CGST	04-09-2017	4.27	17.96	13.69	Not reversed
Total					4.27	27.92	23.65	

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/ SsT are awaited.

2.5.9.3 Credit on duty/ VAT paid stock

Under the provisions of Section 140(3) of the CGST/AGST Act, 2017, the taxpayer availing CENVAT credit in Table 7.a.(A) of TRAN-1 return and VAT credit in 7(c) must be in possession of invoice or other prescribed documents evidencing payment of duty under the existing law and such documents were issued not earlier than twelve months immediately preceding the appointed day.

- M/s Win Power Infra Pvt. Ltd.⁸⁴, under the jurisdiction of the ACT, Jorhat and M/s Trade & Technology Pvt. Ltd.⁸⁵, under the jurisdiction of the ACT, Dibrugarh had claimed credit of ₹ 1.51 lakh and ₹ 0.69 lakh on stock held on the appointed day

⁸⁴ GSTIN- 18AAACW4060D1ZL

⁸⁵ GSTIN- 18AAACT7167L1ZT

and documents relating to duty/VAT paid was available. Scrutiny of taxpayer records revealed that taxpayer had submitted duty paid documents/ invoices of ₹ 1.51 lakh and VAT paid invoices amounting to ₹ 0.53 lakh respectively which were issued earlier than 12 months immediately preceding the appointed day. Thus, the taxpayer claim was not eligible for transitional credit. M/s Win Power Infra Pvt. Ltd. is liable to reverse ineligible credit of ₹ 1.51 lakh in addition to payment of interest of ₹ 1.07 lakh for ineligible claim and M/s Trade & Technology Pvt. Ltd. had claimed ineligible credit of ₹ 0.53 lakh, which is liable to reverse along with interest of ₹ 0.36 lakh.

This was pointed out in audit (between April and November 2021). The replies from concerned AsCT/SsT are awaited.

2.5.10 Conclusion

Transitional credit is a one-time flow of input tax credit from the legacy regime into the GST regime and can be availed both by the taxpayers migrating from the previous regime as well as new registrants under GST. A significant portion of transitional credit represented by claims in Tables 5(c) of TRAN-1 i.e. 66 *per cent*, flowed through the Legacy Returns and the remaining 34 *per cent* represented the claims in other tables of TRAN-1. The Department has not verified the transitional credits claimed by taxpayers even after the lapse of four years since their claim. Audit noticed several cases where taxpayers had claimed excess, inadmissible credit, and without supporting invoices/documents etc., which however, remained undetected and is a loss to the Government. Audit could not verify correctness of transitional credit availed by the taxpayers, where the unit offices had failed to produce basic records for audit scrutiny.

2.5.11 Recommendation

- *In view of the high percentage of inadmissible Transitional Credit claims noticed in audit, 100 per cent verification of the sanctioned cases is recommended.*

Chapter-III

Excise Department

CHAPTER – III: EXCISE DEPARTMENT

3.1 Administration

The State Excise Department is responsible for collection of revenue under Assam Excise Act and enforcement of Excise laws on prohibition of illicitly distilled liquor, *Ganja*, *Bhang* and Opium. In addition, the Department is also responsible for enforcing the provisions of Narcotic Drugs and Psychotropic Substances Act and the Medicinal and Toilet Preparation Act. The Commissioner of Excise (CE), Assam is the head of the Department. He is primarily responsible for administration and execution of Excise policies and programmes of the State Government. The CE is assisted by an Additional Commissioner of Excise, a Joint Commissioner of Excise and two Deputy Commissioners of Excise, one at Headquarters and another at BTAD, Kokrajhar.

Excise revenue comes from *Ad-valorem* levy, establishment charges, various kinds of licence fees on foreign liquor/beer, country spirit, rectified spirit, etc. Further, import pass fee, export pass fee, transport pass fee, brand and label registration/renewal fee also generate revenue for the Government. During 2016-17, the Department restructured *Ad-valorem* levy, revised licence fee of various excise licences, increased different kinds of fees in respect of label registration/renewal and profile fee and replaced the Assam Excise Act, 1910 and the Assam Excise Rules, 1945 by the Assam Excise Act, 2000 and the Assam Excise Rules, 2016 *w.e.f.* 1 September 2016 respectively.

3.2 Results of Audit

Test check of records of 23 unit offices (out of total 52 unit offices) of the Excise Department noticed deficiencies in 163 cases. The details are given in **Table 3.1**.

Table 3.1: Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Non/ Short payment of annual license fee	4	0.47
2	Non-realisation of penalty for delayed payment of annual licence renewal fee	28	4.15
3	Non-realisation of Establishment Charges	11	2.96
4	Short/non realisation of security deposit	23	12.33
5	Arrear of revenue on transitional stock	10	86.79
6	Other irregularities ⁸⁶	87	1.69
Total		163	108.39

⁸⁶ Non compounding of offence cases, non-issue of destruction orders, short realisation of profile registration fee, *etc.*

Compliance Audit Observations

3.3 Non-realisation of Establishment charges

Superintendents of Excise (SsE) failed to realise establishment charges amounting to ₹ 89.57 lakh from Six Wholesale Warehouses (erstwhile Bonded Warehouses).

[Superintendents of Excise (SsE), Nagaon, Silchar, Jorhat and Karimganj; May 2019-December 2019]

Rule 7 of Assam Bonded Warehouse (ABW) Rules, 1965 provides that the Commissioner of Excise (CE) shall appoint such Excise Officers and establishment as he thinks fit to the charge of the bonded warehouse. The licensee shall pay to the State Government at the end of each calendar month, such establishment charges as may be determined from time to time by the CE. The cost of establishment shall include pay and allowances, if any, as well as leave salary and pension contribution.

The Assam Excise Rules, 2016 came into force from 01 September 2016 whereby establishment charges were withdrawn since wholesale warehouse licensees should store and sell such liquor on which Excise duty and State VAT has already been paid. The Excise Department vide Notification dated 29 August 2016⁸⁷ instructed that the excise establishment posted at the erstwhile bonded warehouses (now wholesale warehouse licensees) shall not be withdrawn till the entire amount of arrear *Ad-valorem* levy and VAT on the transitional taxable under-bond stock of liquor including the stock in transit are deposited and the licensee concerned shall be liable to reimburse to the Government, the salary etc. of such excise establishment till they are withdrawn by the Government on a no-dues certificate issued by the concerned SE or Deputy Superintendent of Excise (DSE) and the concerned Superintendent of Taxes.

As per Rule 342 (b) of the Assam Excise (AE) Rules, 2016, if any person or any licence holder fails to pay duty, fee or any other levy due to the Government, he is liable to pay penalty which may extend to three hundred *per cent* of the duty, fee or other levies due from him.

During FY 2019-20, out of total 49 SsE/DSsE offices in Assam, audit test checked records of 14 SsE/DSsE Offices⁸⁸. Audit noticed that at six erstwhile bonded warehouses (out of 28 existing erstwhile bonded warehouses) under the jurisdiction of four SsE Offices⁸⁹, excise personnel remained posted and licensees of these bonded warehouses owed establishment charges of ₹ 89.57 lakh (**Appendix XXXI**). Even after lapse of four years from introduction of the Assam Excise Rules, 2016, these erstwhile bonded warehouses did not deposit entire amount of arrear *Ad-valorem* levy and VAT compelling placement of excise officials in the Wholesale Warehouses (erstwhile bonded warehouses). Audit also noticed that though demand notices were issued, these

⁸⁷ As per Serial No. 9 of Notification No. EX.107/2016/19 dated 29 August 2016

⁸⁸ SsE/DSsE, Silchar, Nagaon, Kaliabor, Hojai, Jorhat, Titabor, Dibrugarh, Goalpara, Chirang, Tezpur, Biswanath Chariali, Gohpur, Gossaigaon and Haflong.

⁸⁹ SsE, Nagaon, Silchar, Jorhat and Karimganj

were not pursued by the SsE which resulted in non-realisation of establishment charges amounting to ₹ 89.57 lakh.

The matter was reported to the Government/Department in December 2021; reply is awaited (March 2022).

3.4 Non-realisation of *Ad-valorem* Duty and Value Added Tax (VAT)

Superintendents of Excise, Silchar and Nagaon failed to realise ₹ 8.41 crore being *Ad-valorem* levy and VAT involved in the transitional stock of liquor/spirit from two Wholesale Warehouse (erstwhile Bonded Warehouse).

[Superintendents of Excise (SsE), Silchar and Nagaon; May-July 2019]

Section 30 of the Assam Excise (AE) Act, 2000⁹⁰ provides for cancellation and suspension of licence, permit or pass due to failure to pay duty fee, selling of excisable articles at excess price, breach of any of the terms and conditions of the licence, permit or pass, *etc.* Further, Rule 352 (ii) of Assam Excise Rules, 2016 provided that a licensee of IMFL/Beer may, on cancellation or withdrawal of his license, with the previous sanction of the Collector, sell intoxicants to a wholesaler or to any other IMFL/Beer licensee; provided that the Collector shall have the power to sell the intoxicant to any IMFL/Beer licensee and the sale proceeds of the same shall, after deduction of the expenses and any other dues to the Government, be refunded to the licensee.

The Assam Excise Rules, 2016 allows existence of Bonded Warehouses⁹¹ only in the manufactories. The Bonded Warehouse not within manufactories prior to introduction of the AE Rules, 2016 were being converted into Wholesale Warehouse⁹². To regularise functioning of the Wholesale Warehouse, the Government of Assam through an order⁹³ constituted a Joint team to assess *Ad-valorem* levy and VAT involved on such transitional taxable under-bond stock of liquor/spirit held by the erstwhile Bonded Warehouse licensees as on 31 August 2016 including stock in transit. Based on Joint team's report, the licensee of the Wholesale Warehouse would deposit entire amount of *Ad-valorem* levy and VAT within a period of three months from the date of introduction of Assam Excise Rules, 2016. Further, in the same order, Government instructed the Commissioner of Excise (CE), Assam, in case of failure of the erstwhile Bonded Warehouse to deposit the entire amount of arrear *Ad-valorem* levy and VAT within the period specified, the Warehouse licence shall be liable to be cancelled and stock therein shall be liable to be confiscated to the State.

During FY 2019-20, out of total 49 SsE/DSsE offices in Assam, audit test checked records of 14 SsE/DSsE Offices. On scrutiny of records of SsE, Silchar and Nagaon, it was noticed that licensee M/s John Smeal Private Limited, Wholesale Warehouse, Silchar and M/s A B Wholesale Warehouse, Nagaon (erstwhile Bonded Warehouses)

⁹⁰ Government notification No. LGL.172/93/Pt./46 dated 22 September 2000.

⁹¹ Premises licenced for deposit or storage of spirits on which duty has not been paid.

⁹² Premises licenced for deposit or storage of spirits on which duty has been paid.

⁹³ Order No.EX.107/2016/19 dated 29 August 2016.

failed to deposit the *Ad-valorem* levy and VAT amounting to ₹ 1.49 crore⁹⁴ and ₹ 6.92 crore⁹⁵ respectively involved in the transitional stock of liquor/spirit held by the licensees. In response to demand notices⁹⁶, the M/s John Smeal Private Limited stated (January 2017) that the business operation got discontinued since July 2016 due to death of the Managing Director of the Company and requested the Commissioner of Taxes to allow them to function as bonded warehouse and to allow payment of dues in instalments. Further, The Deputy Commissioner, Silchar had also recommended (January 2018) cancellation of the licence. M/s A B Wholesale Warehouse intimated (February 2018) the CE regarding their inability to pay the dues and offered to surrender the licence.

No action was taken by the Department on the recommendation of the Deputy Commissioner, Silchar nor was any decision taken on the surrender of licence of M/s A B Wholesale Warehouse. Moreover, the Department did not initiate any action for disposal of the available stock.

Thus, inaction of the Department/CE, Assam to initiate action in terms of Rule 352 of the Assam Excise Rules, 2016 to realise the government revenue by selling the stock available in the warehouses resulted in non-realisation of revenue amounting to ₹ 8.41 crore.

The matter was reported to the Government/Department in December 2021; reply is awaited (March 2022).

⁹⁴ *Ad-valorem* levy = ₹ 93.36 lakh and VAT = ₹ 55.34 lakh

⁹⁵ *Ad-valorem* levy = ₹ 4.71 crore and VAT = ₹ 2.21 crore

⁹⁶ Demand notices issued to M/s John Smeal Private Limited, Wholesale Warehouse, Silchar on 24 July 2017 and M/s A B Wholesale Warehouse, Nagaon on 20 July 2017 and 07 January 2019.

Chapter-IV

Transport Department

CHAPTER - IV: TRANSPORT DEPARTMENT

4.1 Administration

The Commissioner of Transport, Assam is responsible to ensure road safety through the implementation of the Motor Vehicles Act and Rules and also regulate the road transport sector of surface communications through the State Transport Authority and the Regional Transport Authority in the districts. The Commissioner of Transport needs to ensure proper licensing of Drivers after they fulfil required conditions and also register Motor vehicles. It also has the responsibility of educating the public on road safety norms, so that no lives are lost or impaired because of road accidents.

The Principal Secretary to Government of Assam (GoA), Transport Department is the Administrative Head of the Transport Department. The Commissioner of Transport (CoT), Assam is assisted by two Joint Commissioners of Transport, three Deputy Commissioners of Transport and five Assistant Commissioners of Transport. There are twenty-nine (29) Districts level offices which are headed by District Transport Officers (DTOs) who are assisted by Motor Vehicle Inspectors, Enforcement Inspectors and other officials in discharging their day to day functions. They are empowered to implement Taxes on Laws and Rules thereunder *i.e.* the Motor Vehicles Act, 1988, the Central Motor Vehicles Rules, 1989, the Assam Motor Vehicle Rules, 2003, *etc.*

The Transport Department is also responsible for collection of taxes, fees and fines on motor vehicles registered in Assam. For commercial vehicles, motor vehicle tax is realised every year and the vehicle owner has the option to pay it quarterly or annually; while One Time tax for 15 years or five years and 10 years is realised from all private vehicles registered in the State. Besides, composite fee *in lieu of* motor vehicle tax is also collected from owners of commercial vehicles bearing national permit/tourist permit of other States plying in the State. Further, there is provision for levy and collection of fines for various offences which are imposed under the respective Acts and Rules.

4.2 Results of Audit

Test check of records of 30 offices (out of total 54 offices) of the Transport Department during 2019-20 noticed deficiencies in 70 cases as shown in **Table 4.1**.

Table 4.1:-Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Non-realisation of Road Tax and fine	13	95.57
2	Non-realisation of Inspection fee and fine	14	38.51
3	Plying of vehicles without valid permit	8	1.00
4	Non-renewal of Trade Certificate/trade licence, <i>etc.</i>	23	0.36
5	Non/short realisation of licence fee for E-Rickshaw dealers	2	0.03
6	Others	10	1.53
Total		70	137.00

Compliance Audit Observations

4.3 Fitness certificate of vehicles not renewed

Despite availability of information in VAHAN database, the DTOs neither initiated action to cancel the registration/permit of these vehicles whose fitness certificate has expired nor issued any notice to defaulting vehicle owners which resulted in forgoing of revenue of ₹ 1.19 crore besides fine of ₹ 22.58 crore was also leviable.

[DTOs, Cachar, Dibrugarh, Golaghat, Kamrup (Metro) R & L, Nagaon, Nalbari, Dhubri, Goalpara, Jorhat, Sivsagar and Udalguri; May 2019–March 2020]

Under Section 56 of the Motor Vehicles (MV) Act, 1988 read with Rule 62 of the Central Motor Vehicle (CMV) Rules, 1989 made there under, a transport vehicle shall not be deemed to be validly registered unless it carries a certificate of fitness. Further, under Section 84 (a) of the MV Act, 1988, the vehicle to which the permit relates should carry a valid certificate of fitness issued under Section 56 of the Act. A fitness certificate granted in respect of a newly registered transport vehicle is valid for two years and is required to be renewed every year on payment of prescribed testing fee of ₹ 400 for three wheelers and light motor vehicles (LMV) and ₹ 600 for heavy vehicles with effect from 29 December 2016. In addition to this, renewal fee of ₹ 200 is also leviable for all categories of vehicles. In addition, the Government of Assam notified⁹⁷ (December 2018) an additional fee of ₹ 50 for each day delay after expiry of certificate of fitness.

As per Rule 26 of the Assam Motor Vehicle (AMV) Rules, 2003, the DTO shall maintain record of each fitness certificate issued by him. Further, as per Rule 87(2) of the AMV Rules, 2003, the Motor Vehicle Inspector (MVI) may inspect any transport vehicle at any time at any place to check whether the vehicle is fit for plying on public roads.

Audit examined (between May 2019 to March 2020) Fitness Expiry Reports generated from ‘VAHAN’ software in 11 DTOs⁹⁸, out of 29 DTOs in the State, which showed that out of the total 3.92 lakh transport vehicles⁹⁹, fitness certificate of 19,201 vehicles (4.89 *per cent*) had expired between April 2017 and March 2019.

Due to non-renewal of the fitness certificate the inspection fee and renewal fee of ₹ 1.19 crore¹⁰⁰ had not been realised from 19,201 transport vehicles. Besides, additional fee of ₹ 22.58 crore at the rate of ₹ 50 per day for the period of delay was also leviable.

⁹⁷ Vide notification no. TMV.219/2017/22 dated 19 December 2018 followed by Government of India's notification no. G.S.R.1183 (E) dated 29 December 2016.

⁹⁸ Cachar, Dibrugarh, Golaghat, Kamrup (Metro) R & L, Nagaon, Nalbari, Dhubri, Goalpara, Jorhat, Sivsagar and Udalguri.

⁹⁹ Of the total registered vehicle of 24.18 lakh including private car/two wheeler, Government vehicles *etc.*

¹⁰⁰ Testing fee of ₹ 81.03 lakh and certificate renewal fee of ₹ 38.40 lakh.

Further, audit has crossed checked 3,822 vehicles among the vehicles mentioned above with the MV tax payment data (between April 2017 and March 2020) available in VAHAN software and noticed that 638 vehicles (16.69 *per cent*) paid their MV tax for the period April 2017 to March 2020 without renewal of fitness certificates. It was noticed that there was no specific feature in VAHAN software to prevent collection of MV Tax against vehicles whose fitness certificate had expired. Moreover, the unfit vehicles also pose a threat to road safety and environment. The DTOs neither initiated action to cancel the registration/permit of these vehicle whose fitness certificate had expired nor issued any notices to the defaulting vehicle owners. The transport department may consider coordinating with Traffic Police and share the Fitness Expiry Reports to trace out the unfit vehicles plying on road.

Thus, non-realisation of testing fee and renewal fee of ₹ 1.19 crore from 19,201 transport vehicles due to non-renewal of fitness certificate is a revenue loss to the Government. The category-wise number of vehicles whose fitness certificate expired between April 2017 and March 2019 are shown in **Appendix-XXXII**.

Similar issues were pointed out in earlier Audit Reports¹⁰¹, however, due to non-initiation of corrective measures by the Transport Department, plying of vehicles without renewal of fitness certificate is still persisting.

On this being pointed out by Audit:

- The DTO, Udalguri stated (October 2020) that an amount of ₹ 17.63 lakh involving fine of ₹ 17.14 lakh was realised from 95 vehicles and steps would be taken to realise fees and fines from other defaulting vehicles owners.
- The DTO, Cachar and DTO, Nalbari stated that the matter has been communicated to the Enforcement team, consequently on random checking some of such vehicle had been caught and action taken accordingly.

The DTO, Udalguri has realised fees and fines from 82 vehicles (13 *per cent*) against audit observation of 611 vehicles. The DTO, Udalguri may take up the matter with the Enforcement Branch and Traffic Police to detect such vehicle which are plying without renewal of fitness certificate and realised upto date fees and fines from all such defaulting vehicles.

The DTO, Cachar and DTO, Nalbari may ensure realisation of renewal fees along with fines from the defaulting vehicle owners and update VAHAN database.

Other DTOs may also take above mentioned steps for timely renewal of fitness certificates.

While audit has received replies from four DTOs, however the replies from the Government/Department (reported in December 2021) is awaited (March 2022).

¹⁰¹ Paragraph 4.2.9, 4.6, 4.4 and 4.4.4 of the Audit Reports (Revenue Sector) for the year ended 31 March 2016, 31 March 2017, 31 March 2018 and 31 March 2019 respectively.

Chapter-V
Environment and Forests
Department

CHAPTER - V:

ENVIRONMENT AND FORESTS DEPARTMENT

5.1 Administration

The State of Assam comprising of 33 civil districts including three hill districts is endowed with rich forest resources. The State has also been identified as one of the 18 biodiversity hotspots in the world. Out of the total geographical area of 78,438 sq. km., the recorded forest cover of Assam is 26,832 sq. km (34 *per cent*). Revenues in the Forest Divisions are mainly derived from sale proceeds of forest produce through auction, negotiations and permit of allotment. Collection of royalty from minor minerals, licence fee from sawmills and timber depots also form part of forest revenue apart from fees, fines, *etc.*, imposed under various Acts/ Rules.

The Principal Chief Conservator of Forests and Head of Forest Force (PCCF and HoFF), Assam is in overall charge of the Department who is assisted by two Principal Chief Conservators of Forests (PCCF), 13 Additional Principal Chief Conservators of Forests (APCCF), 11 Chief Conservators of Forests (CCF) and 10 Conservators of Forests (CF). In addition, there were 55 Forest Divisions¹⁰² each headed by a Divisional Forest Officers (DFOs) and 57 Deputy Conservator of Forests (DCF) are working in various capacities like Research, Education, Working Plan wings, *etc.* The Divisions were further divided into ranges and beats for ensuring effective control and supervision of the forests of the State.

The mandate of the Forest Department is to manage the Forest, Forest produces and Wildlife of the State of Assam. The principal act, regulation and rules which govern the functioning of Department of Environment and Forests are the Assam Forest Regulation, 1891; Assam Sale of Forest Produce, Coupes and *Mahals* Rules, 1977; Forest (Conservation) Act, 1980; Assam Minor Minerals Concession Rules, 2013; and Rules and notifications/ orders issued thereunder, from time to time.

5.2 Results of Audit

Test check of records of 23 units relating to the Environment and Forest Department during 2018-19 noticed deficiencies in 122 cases as shown in **Table 5.1**.

Table 5.1: Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Non/ Short realisation of royalty	1	0.89
2	Non levy of interest/ VAT	2	0.02
3	Non-realisation of MMDRR fund	3	0.30
4	Loss of Government revenue	3	0.44
5	Other irregularities ¹⁰³	113	0.71
Total		122	2.36

¹⁰² Under the Forest Department, there were 33 Territorial Forest Divisions, eight Wildlife Forest Divisions and 14 Social Forestry Divisions.

¹⁰³ Irregular or excess expenditure, non-deduction/realisation of labour cess, *etc.*

5.3 Compliance audit of “Forest Department covering Afforestation, Social forestry, Wildlife and Bio-diversity”

5.3.1: Introduction

Forests are an integral part of the natural environment and are crucial for the maintenance of the ecological balance which is necessary for human life. The National Forest Policy, 1988 was framed to increase area under forest and tree cover of the country by need-based and time-bound program of afforestation. The Policy aimed at maintaining environmental stability and restoring the ecological balance through conservation, upgradation and increase in forest cover. In line with the National Forest Policy, 1988, GoA adopted Assam State Forest Policy, 2004 with a goal to maintain and enrich the existing forest cover and the open forest would be restored back to dense forest.

Assam has a geographical area of 78,438 sq. km, of which 28,327 sq. km (36.11 per cent) is under forest cover¹⁰⁴ as reported in the Indian State Forest Report (ISFR), 2019.

The trend of forest cover based on density¹⁰⁵ for the period from 2011 to 2019 as per Indian State Forest Reports (ISFRs) prepared biannually is shown in **Table 5.2:**

Table-5.2:-Trends of forest cover based on density in Assam

(in sq.km.)					
Types of forest	2011	2013	2015	2017	2019
Very Dense Forest	1444	1444	1441	2797	2795
Moderately Dense Forest	11404	11345	11268	10192	10279
Open Forest	14825	14882	14914	15116	15253
Total	27673	27671	27623	28105	28327

However, as per information furnished by the Department of Environment & Forest, GoA, recorded¹⁰⁶ Forest Area (RFA) in the State is 26,832 sq. km., of which 17,864 sq. km. is Reserved Forest¹⁰⁷ (66.58 per cent) and 8,968 sq. km. is Unclassed Forest¹⁰⁸ (33.42 per cent) which needs to be reconciled with the data of ISFRs.

5.3.1.1: Financial Management

The expenditure incurred on various activities of forestry and wildlife sector in Assam during 2015-20 are shown in **Table 5.3:**

Table 5.3:-Trend of expenditure on Afforestation, Wildlife and Bio-diversity during 2015-20

(₹ in crore)							
Area/ Year		2015-16	2016-17	2017-18	2018-19	2019-20	Total
Afforestation:							
State CAMPA ¹⁰⁹	APOs	-	30.00	70.00	45.84	-	145.84
	Actuals	11.33	22.85	33.36	37.14	32.02	136.70

¹⁰⁴ All lands more than 1 ha in area with a tree canopy density of more than 10 per cent irrespective of owner ship and legal status including Dense, moderate and open forest.

¹⁰⁵ Three canopy density classes viz. Very Dense Forest with a canopy density more than 70 per cent, Moderately Dense Forest with a canopy density between 40-70 per cent and Open Forest with a canopy density between 10- 40 per cent.

¹⁰⁶ Forest area recorded as forests in Government records.

¹⁰⁷ Area constituted under the provision of Union or State Forest Acts having full degree of protection.

¹⁰⁸ Area recorded as forest but not included in reserve or protected forest category.

¹⁰⁹ Amount involved in APO and release for State CAMPA are same.

Area/ Year		2015-16	2016-17	2017-18	2018-19	2019-20	Total
Social Forestry	BEs	2.00	-	2.00	3.00	3.50	10.50
	Actuals	2.76	2.16	7.99	0.01	0.94	13.86
Scheduled Caste Component Plan	BEs	-	4.00	2.00	2.50	2.50	11.00
	Actuals	-	3.87	1.88	-	-	5.75
Tribal Area Sub-Plan	BEs	0.70	1.40	1.50	1.20	1.20	6.00
	Actuals	-	1.13	1.44	-	-	2.57
Wildlife:							
Tiger Project	APOs Submitted	37.22	50.61	46.58	47.27	38.84	220.52
	APOs Approved	17.14	29.97	40.81	33.13	36.09	157.14
	Actuals	11.79	24.50	14.49	24.08	27.76	102.62
Integrated Development of Wild Life Habitats	APOs Submitted	4.44	8.32	8.66	10.08	13.77	45.27
	APOs Approved	2.54	-	4.01	3.87	4.52	14.94
	Actuals	-	1.45	0.20	4.00	-	5.65
Bio-diversity:							
Assam Project on Forest and Bio-diversity Conservation (APFBC) (External Aided Project)	BEs	-	220.00	218.12	52.37	43.25	533.74
	Actuals	-	100.00	52.00	-	-	152.00
Assam State Bio-diversity Board	BEs	0.50	0.50	0.50	0.64	2.72	4.86
	Actuals	0.30	0.50	0.34	0.16	0.17	1.47

Source: VLC data and information as furnished by the Department.

5.3.1.2: Audit Objective

Audit objective was to ascertain whether:

- measures taken for conservation, afforestation and preservation of forest lands were as planned and complied with the extant provisions of Acts, Rules, Government Orders and various Court judgments in this regard;
- funds provided were sufficient and utilised for the intended purposes; and
- monitoring mechanisms for overseeing the implementation of different schemes/ programs were adequate and effective.

5.3.1.3: Audit Criteria

Audit was carried out based on the following criteria:

- Indian Forest Act, 1927, The Forest (Conservation) Act, 1980 as amended in 1988 and Rules made thereunder;
- The Assam Forest Regulation, 1891 (amended) and the Assam State Forest Policy, 2004;
- The Wildlife (Protection) Act, 1972 (amended);
- The Environment (Protection) Act, 1986 and Rules made thereunder;
- The Biological Diversity Act, 2002;

- Orders, instructions, various schemes¹¹⁰ guidelines, standards issued by Government of India/ Assam as well as Hon'ble Courts from time to time.

5.3.1.4 Audit Methodology and Scope

The Environment & Forests Department (DoE&F), GoA has been allocated responsibilities for different environment conservation activities to certain specific wings like Wildlife (Wildlife and protection matter), Planning & Development (Planning, Research and Development), *etc.* within the Department.

The audit was carried out between November 2020 to March 2021 covering the period 2015-2020. Records of the PCCF (CAMPA), PCCF (Bio-diversity), PCCF (Wildlife) and nine implementing units¹¹¹ were examined.

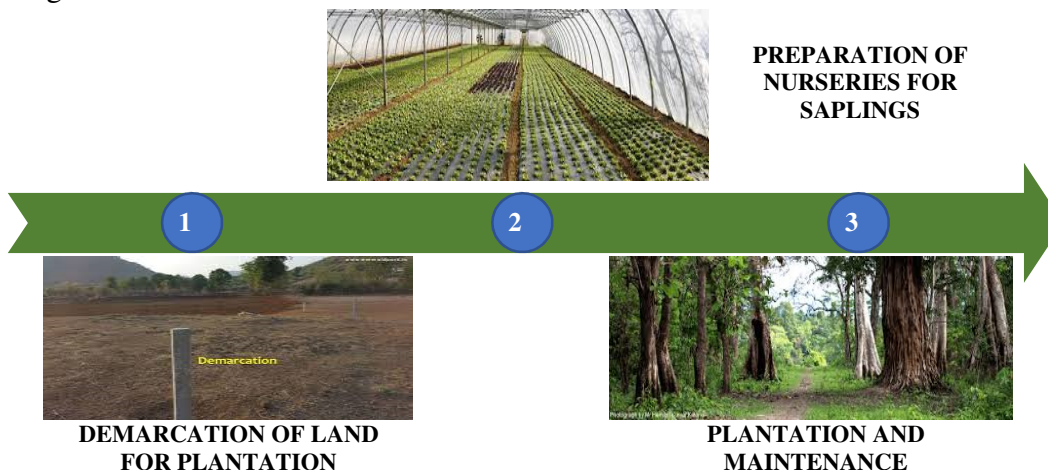
AUDIT FINDINGS:

5.3.2 Afforestation and Social Forestry

The International Panel on Climate Change (IPCC) Guidelines define afforestation as 'the direct human-induced conversion of land that has not been forested for a period of at least 50 years to forested land through planting, seeding and/or the human-induced promotion of natural seed sources.'

The total forest cover of the State has increased by 221. 51 sq. km. during 2017-19 as reported in the ISFR. The increase was mainly attributable to initiatives of the DoE&F, GoA towards implementation of schemes under CAMPA, APFBC and Social Forestry in the State.

Afforestation activities mainly involve three major stages as depicted through the block diagram below:



¹¹⁰ Intensification of Management; Forest Conservation & Development; R.D.F.; Monitoring and Evaluation; Forest Inventory; Management Plan; Operation of Forest Produce; Forest Research; Training of Staff; Strengthening of Wildlife Organisation; Other Wildlife areas; Protected areas; Management of State Zoo; Integrated Forest Protection (75:25); Rhino Conservation; Project Tiger; Social Forestry General (SFG); Tribal Sub-Plan (TSP); Scheduled Caste Component Plan (SCCP).

¹¹¹ Director Kaziranga National Park, DFOs, Eastern Assam Wildlife Division, Guwahati Wildlife Division, Nagaon (Territorial) Division, Kamrup (Territorial) East Division, Kamrup (Territorial) West Division, Nagaon Social Forestry Division, Guwahati Social Forestry Division and Golaghat Social Forestry Division.

Despite the best efforts of the DoE&F, GoA, audit noticed certain deficiencies which, if rectified, could further help the State to achieve the targets in a more efficient and cost-effective manner. The audit observations are discussed in the succeeding paragraphs.

5.3.2.1 Demarcation of land for Plantation

(I) Absence of Working Plan

Working plan is the main instrument of forest department for scientific management of forests and bio-diversity resources of a forest Division which is prepared/ revised every ten years by the State and finally approved by Ministry of Environment, Forest and Climate Change, Government of India (MoEF&CC, GoI). The MoEF&CC, GoI adopted (March 2014) the National Working Plan (NWP) Code, 2014¹¹² (grid based systematic sampling) compiling the following, among the other, criteria of sustainable management:

- 1 Forest area by type and successional stage relative to land area,
- 2 Protected forest area by type, successional stage and protection category relative to the total forest area,
- 3 The degree of fragmentation of forest types,
- 4 The rate of conversion of forest cover (by type) to other uses,
- 5 Area and percentage of forests affected by anthropogenic and natural disturbance,
- 6 Complexity and heterogeneity of forest structure,
- 7 Numbers of forest-dependent species,
- 8 Conservation status of forest-dependent species.

Audit noticed that the Department engaged M/s IORA (May 2016) to rectify, update and prepare working plans of 21 Divisions¹¹³ in line with WP Code, 2014 with a contract value of ₹12.59 crore. The work was to be finished within six months of the award of contract. As per information made available to audit, on completion of WPs of 21 Divisions, the DoE&F, GoA forwarded (by August 2019) the WPs to the MoEF&CC, GoI for approval. In February 2021, MoEF&CC, GoI approved one WP in respect of Sonitpur East Division and other 20 WPs were returned due to non-observance of the criteria¹¹⁴ as specified in the NWP Code, 2014 mentioned *ibid*.

Thus, despite engagement of a vendor for rectifying and updating the data of forest Divisions as per the requirements of NWP Code, 2014 and payment of ₹3.00 crore to the vendor, the Department failed to monitor the WPs submitted by the vendor. As a result, the DoE&F, GoA could not get approval of 20 WPs even though five years have lapsed since engagement of vendor for preparation of WP. Further, it was informed (July 2021) by the Department that out of 20 pending WPs, eight WPs were resubmitted

¹¹² Superseding Working Plan Code, 2004 (stratified random sampling based)

¹¹³ Out of 33 divisions i.e. excluding 11 divisions under council area and Majuli division (newly created).

¹¹⁴ 1) Status of regeneration was not specified; (2) Areas of RF includes Protected Forest Areas which needs to be clarify; (3) needs verification of rampant encroachment of forest areas; (4) working circles of the growing stock needs to be prescribed, *etc*.

by the Department for approval while 12 WPs are yet to be submitted by the vendor and the action taken by the Department for delay in submission of WPs was not on record. In absence of approved WPs, the works carried out through APOs could not ensure the requirements of activities in line with the WPs. This also hindered measurement of achievements of DoE&F, GoA *vis-à-vis* approved need-based plantation document in the prescribed area (*i.e.* scientific document approved by the competent authority).

In reply, the Department stated (February 2022) that all efforts are underway to get approval of at least nine WPs within financial year 2021-22. Further, Department stated that four working plans have been granted (January 2022) conditional approval by the State Level Consultation Committee, however, documents in support of conditional approval was not furnished. Present status of approval of GoI in respect of the 20 WPs is awaited. Further, no reply was furnished in respect of action taken against the vendor for non-adherence to the timelines mentioned in the contract and lack of monitoring on the part of the Department.

(II) Irregular allotment of forest land

As per handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980, no work/activity can be taken up in the forest land before issue of order for its diversion for the non-forest purpose unless and to the extent permitted in the Forest Conservation (Rules) or guidelines issued there under¹¹⁵.

In Nagaon SF Division, it was noticed that the Division carried out a 25 ha block plantation under CAMPA fund in Kumoi Hills under Tetelia Bogora RF and completed by March 2019 at an expenditure of ₹31.25 lakh. Audit noticed that while the plantation work under CAMPA was in progress, the Assam Plantation Crops Development Corporation Limited (APCDCL), a fully owned subsidiary of Government of Assam, informed about the occupation of approx. 15 ha of land allotted to APCDCL, to the Nagaon SF Division. In view of the objection raised by the APCDCL, audit observed the following:

- Tetelia Bogora was notified as Reserve Forest covering an area of 1806.50 ha in September 1967¹¹⁶.
- The Circle Officer, Mayang Revenue Circle, Morigaon district stated that the whole Kumoi Pahar was identified as revenue land in the records of Revenue Department. Scrutiny of documents showed that Kumoi Hills, a part of Tetelia Bogora RF was allotted¹¹⁷ by the Revenue Department to APCDCL, for Rubber Plantation, which commenced from 1998-99. This suggests that the status of land was not changed in the records of Revenue & Disaster Management in line

¹¹⁵ As per F. No. 5-2/2017- FC dated 28.03.2019 of Ministry of Environment, forests and Climate Change (FC Division), GoI

¹¹⁶ Vide notification No. FOR/Sect/543/65/31 dated 28.09.1967

¹¹⁷ Vide No. MRS.43/98/34 dated 06.12.1997 of DC, Morigaon

with the Government Notification (September 1967), leading to allotment of the Reserve Forest land to APDCL on lease.

- Against the application made by the APCDCL, the SF Nagaon Division requested¹¹⁸ the Deputy Commissioner, Morigaon (July 2018) for joint verification of the area as it was a forest land as per Government Notification, however, further correspondence regarding the joint verification was not available on file.

It is evident from above, that forest land was irregularly allotted to APDCL by the Revenue and Disaster Management Department. Further, after declaration of the area as Reserve Forest in September 1967, the Forest Department did not make any efforts to get the land records updated.

In the exit Conference, the Department stated that more than 80 *per cent* plantation has already been completed. However, no joint verification of the land was undertaken and also the present status of the said land was not intimated to audit.

The State Government needs to fix responsibility of the officials concerned for allotment of forest land for non-forest purposes.

5.3.2.2 Nurseries for production of seedlings

(I) As defined by the MoEF&CC, GoI, a nursery provides caring beds where seeds germinate, plants take roots, and grows into a sapling which are then transplanted at suitable sites. In Assam, between 2015 and 2020, altogether 93 nurseries were created¹¹⁹ and 121 nurseries were maintained¹²⁰ under CAMPA, APFBC and Social Forestry wing.

The Guidelines on State CAMPA, 2009 and Section 18 of the Compensatory Afforestation Fund Act, 2016 provides that the SLSC shall (i) scrutinise and approve the annual plan of operation (APO) of State CAMPA; (ii) monitor the utilisation of fund (iii) ensure inter-departmental co-ordination *etc.*

The Assam State Level Steering Committee (SLSC) of CAMPA headed by Chief Secretary, GoA was constituted¹²¹ in August 2009. The SLSC recommended the following measures for creation and maintenance of nurseries in their meetings¹²² held between May 2015 and November 2017:

- CAMPA nurseries in Assam should produce at least three crore quality seedlings annually (11 September 2015) to be increased to 10 crore by 2017-18 to meet the demand (09 November 2017);

¹¹⁸ On receipt of land documents from the APCDCL

¹¹⁹ During 2015-20, 21 nurseries under CAMPA, 41 under Social Forestry and 31 under APFBC were created.

¹²⁰ During 2015-20, 75 nurseries under CAMPA and 46 under Social Forestry were maintained.

¹²¹ Notification FRM.91/2006/Pt/165 dated 14.08.2009

¹²² Five meetings of SLSC held on 13.05.2015 (4th meeting); 11.09.2015 (5th meeting); 19.11.2015 (6th meeting); 01.06.2017 (7th meeting) and 09.11.2017 (8th meeting)

- State CAMPA should produce more seedlings of Agarwood and Som and effort should be made to produce qualitative seedlings to meet the demand (11 September 2015);
- three hectare nurseries under State CAMPA should be developed as Resource Centres to serve as a platform for exchange of knowledge and technology with the people (11 September 2015);
- Creation of new nurseries should be linked with the requirement of the plantations and demand of seedlings among the public (01 June 2017);

In the light of the recommendations of the SLSC, year wise creation, maintenance, and expenditure in respect of nurseries under CAMPA fund are shown in **Table 5.4**.

Table 5.4:-Nurseries under CAMPA for 2015-20

Activities	Year	1.5 ha	3 ha	Amount (₹ in lakh)
		(in number)		
Maintenance of Nursery	2015-2016	50	25	782.97
	2016-2017	49	24	666.52
	2017-2018	46	22	869.44
	2018-2019	42	23	916.33
	2019-2020	49	20	538.75
Total				3,774.01
Creation of Nursery	2015-2016	-	-	-
	2016-2017	10	2	141.52
	2017-2018			149.78
	2018-2019	7	2	216.45
	2019-2020	-	-	-
Total		17	4	507.75

Table 5.4 showed that during 2015-20, the Department created 21 nurseries at a cost of ₹ 5.07 crore and maintained 69 to 75 nurseries by incurring expenditure of ₹ 37.74 crore.

(II) Discontinuation of nurseries

As per Rule 5(3) of Compensatory Afforestation Fund Rules, 2018, not more than 20 *per cent* of the net present value deposited in the State Fund shall be utilised for strengthening the forest and wildlife related infrastructure, upgradation and maintenance¹²³ of modern nurseries. In June 2019, the CEO, CAMPA instructed¹²⁴ all the Circles to strictly follow the Rules *ibid*.

Audit also observed that in June 2017 itself, the State level Steering Committee (SLSC) had directed to link the creation of nurseries with the requirement of the plantations. However, no such analysis was done by the State CAMPA before creation and maintenance of nurseries.

A perusal of records shows that during the period 2015-2020, out of 97 nurseries (76 nurseries were created prior to 2015-16 and 21 nurseries were created during 2016-19), the Department discontinued maintenance of 28 nurseries from December 2019

¹²³ Includes procurements of seeds, polypots (2 lakh for 1.5 ha land), soil and preparation of beds for polypots.

¹²⁴ Letter No.FG.27/CAMPA/Nursery/Vol-III dated 21.06.2019.

onwards, which involves six newly created nurseries¹²⁵ (₹1.27 crore was spent for creation) to restrict the maintenance cost within the prescribed limit as specified in Rule 5(3) of Compensatory Afforestation Fund Rules, 2018. Audit further noticed that the extent of funds utilised in creation of these nurseries were not considered while deciding to discontinue of maintenance of these nurseries which resulted in avoidable investment on creation of six nurseries and indicated unplanned execution of infrastructure creation, upgradation and maintenance of existing nurseries.

As per approved norms, the annual capacity of raising of seedlings per nursery of 1.5 ha and 3.0 ha were 2,21,000 and 4,25,000 respectively. The CEO, CAMPA stated that (January 2020), the capacity of annual production of seedlings in 69 nurseries¹²⁶ were 99,47,000¹²⁷. Audit noticed that as per plantation target of CAMPA, the requirement of seedlings during 2015-20 ranged from 26.00 lakh to 91.31 lakh. This indicates seedlings produced in the CAMPA nurseries were sufficient as per planting target. During the period from 2015-16 to 2019-20, seedlings produced vis-a-vis requirement under CAMPA are shown in **Table 5.5**:

Table 5.5:-Target and production of seedlings under CAMPA nurseries for 2015-20

Year	Nurseries under CAMPA					Targeted Plantation under CAMPA		Excess production of seedlings (No. in lakh)	Excess Maintenance cost towards nursery (₹ in lakh)
	Number of		Total area (in ha)	Expenditure towards production of seedlings (₹ in lakh)	Seedlings (No. in lakh)	Area (in ha)	Seedlings required (No. in lakh)		
	1.5 ha	3.0 ha							
2015-16	50.00	25.00	150.00	782.97	200.00	1,265.00	31.63	168.37	659.16
2016-17	49.00	24.00	145.50	808.04	194.00	3,652.27	91.31	102.69	427.73
2017-18	56.00	24.00	156.00	1,019.22	208.00	1,161.50	29.04	178.96	876.93
2018-19	49.00	25.00	148.50	1,132.78	198.00	1,040.00	26.00	172.00	984.03
2019-20	49.00	20.00	133.50	538.75	89.00	2,602.59	65.06	23.94	144.89
Total				4,281.76	889.00		243.04	645.96	3,092.74

It is clear from above that under CAMPA, excess production of seedlings during 2015-20 ranged from 23.94 lakh to 178.96 lakh over the targeted plantation. Audit has analysed that the Department failed to utilise even two crore or less seedlings produced 2015-16 onwards.

Therefore, maintenance of nurseries in excess of requirement was not necessitated and the Department could have avoided maintenance cost of ₹ 30.93 crore. It was incumbent upon the Department to take a conscious decision to continue the closed nurseries from other sources of fund to fruitfully utilise the expenditure made towards creation of nurseries.

¹²⁵ **Creation in 2016-17**-(1) Nartap 1.5 ha (Kamrup East Division), (2) Bihmari 1.5 ha (Sonitpur East Division), (3) Lonkajan 1.5 ha (Nagaon South Division), (4) Tinsukia wildlife division 1.5 ha
Creation in 2018-19-(5) Deushri 1.5 ha (Chirang Division), (6) Resource Centre 3 ha (SF Division, Guwahati)

¹²⁶ In the list of continued nurseries, one nursery was not included, the reasons of which was not recorded.

¹²⁷ The basis of calculation was norms fixed by State CAMPA.

In reply, the Department stated (February 2022) that 28 nurseries were discontinued as per direction of the SLSC (August 2019). The Department further added that seedlings produced in excess of requirement was considered in SLSC meeting held in April 2021 and it was decided that:

- 20 *per cent* of seedlings will be reserved for free distribution
- remaining 80 *per cent* will be kept for sale, preference will be given to the contractors hired for raising plantation under APFBC project
- provisions must be kept for distribution of seedlings free of cost to the Government organisations.

In exit conference (February 2022), the Department stated that though six newly created nurseries were discontinued, the infrastructure of the same will be used for other purposes like Biodiversity Park, plantation, *etc.*

5.3.2.3 Production *vis-à-vis* distribution of seedlings

Creation of nurseries are intended for fulfilling the need of the departmental plantation as well as distribution to the public.

Test check of records of the five sampled Divisions involving 18 nurseries revealed that during 2019-20, a total of 32.04 lakh seedlings were in stock (including production in 2019-20), of which 7.69 lakh seedlings were distributed while 0.81 lakh seedlings were damaged. The percentage of seedlings distributed and utilised for departmental plantations was 25 *per cent* only of the available stock after deducting the damages while the remaining 75 *per cent* seedlings remained in stock.

Seedlings in stocks are most suitable for immediate plantation and there is every possibility that these seedlings may eventually get overaged with passage of time leading to wastage of funds involved in their production.

In reply, the Department stated (February 2022), that in three nurseries under Golaghat Division, a total of 2,87,789 nos of seedlings of 2019-20 created lying un-disposed (March 2020), were not matured enough and rest were retained for distribution in the subsequent years. As such, there was no excess production of seedlings during 2015-20.

However, the departmental reply remained silent about utilisation of the undisposed 20.66 lakh seedlings lying in other 15 nurseries apart from Golaghat SF Division.

5.3.2.4 Creation of 3.0 ha Nursery cum Resource Centre

The SLSC approved (11 September 2015) five years' APOs (2014-15 to 2018-19) involving an estimated expenditure of ₹ 128.04 crore which included creation¹²⁸ of three Nursery cum Resource Centres (03 ha) at an estimated cost of ₹ 1.32 crore, to serve as a platform for exchange of knowledge and technology with the people.

¹²⁸ Which involves site selection, fencing, preparation of standard bed for seedlings *etc.*

Accordingly, the State CAMPA released ₹ 118.55 lakh between November 2016 to July 2017 to three Divisions¹²⁹ for creation of three new Nursery cum Resource Centres. While two Divisions (Guwahati SF and Parbatjhora Divisions) carried out the works between January 2017 to February 2018, the DFO, Bongaigaon SF Division returned¹³⁰ the fund due to non-availability of suitable land.

Audit noticed that the Guwahati SF Division selected a site for creation of Nursery cum Resource Centre (3.0 Ha) at Naitar where there was no pre-existing 3.0 Ha nursery. The creation of Nursery cum Resource Centre (3.0 ha) at Naitar commenced in February 2017 and ₹11.29 lakh was spent. In March 2017¹³¹, the Additional PCCF instructed to shift the Resource Centre from Naitar to the existing nursery at Agsia under Guwahati SF, Division, as Naitar was a flood prone area. The instruction of Addl. PCCF's relating to shifting of nursery cum resource centre from Naitar to Agsia could not be implemented till March 2021 due to non-allocation of fund by the State CAMPA, resulting in wasteful expenditure of ₹11.29 lakh.

In reply, the Department stated (February 2022) that the nursery cum Resource Centre was raised on two different parts at Agsia and Naitor and having a distance of 44 KM between two places. The available stock of seedlings at Naitor has been distributed to local public/ organisations and the nursery was closed after incurring an expenditure of ₹ 11.29 lakh. Therefore, the expenditure of ₹ 11,29,060/- was not wasteful.

The reply of the Department is suggestive of the fact that the intended objective of creation of the resource centre for serving as a platform for exchange of knowledge and technology with the people was not met.

5.3.2.5 Avoidable procurement of seedlings

The SLSC which is responsible for ensuring inter-departmental co-ordination for CAMPA activities has recommended (September 2015) to produce quality Agarwood and Som seedlings in their nurseries.

Audit noticed that in 2017-18, the Social Forestry wing of the DoE&F, GoA under three schemes¹³² had procured¹³³ 7.60 lakh *Agar* and *Chandan* seedlings for 13 SF Divisions at an estimated cost of ₹ 1.52 crore (₹ 20 per seedling). On scrutiny of records of three selected Divisions¹³⁴ (out of 13 SF Divisions), audit noticed that 1,75,468 seedlings¹³⁵ were procured from private nurseries¹³⁶ at a cost of ₹ 35.09 lakh and

¹²⁹ (1) Bongaigaon (T) Division→₹ 45.16 lakh, (2) Guwahati SF Division→₹ 28.23 lakh and (3) Parbatjhora (T) Division→ ₹ 45.16 lakh.

¹³⁰ Bongaigaon (T) Division returned ₹ 45.16 lakh as instructed by the APCCF, CAMPA due to non-availability of suitable land.

¹³¹ 24 March 2017

¹³² Social Forestry General (SFG), Tribal Sub Plan (TSP) and Schedule Caste Component Plan (SCCP)

¹³³ The SLSC directed (September 2015) to produce more *Agar* and *Chandan* seedlings instead of which the Social Forestry wing included fund for procurement of seedlings in the APO.

¹³⁴ Guwahati, Golaghat and Nagaon SF Divisions

¹³⁵ Quantity of *Agar* and *Chandan* seedlings procured by (i) Guwahati SF: 58568, (ii) Nagaon SF: 58450 and (iii) Golaghat SF:58450

¹³⁶ Six out of eight private nurseries were active as per information furnished by the Commissioner of Taxes, Assam.

distributed to the public. These three Divisions had produced seedlings including *Agar* and *Chandan* species in their existing nurseries as per the Department's norm for production of seedlings of ₹ 5.68 per seedling¹³⁷. Further, as discussed in paragraph 5.3.2.2 (II), the Department had a balance of 178.96 lakh seedlings at the end of 2017-18 after utilising the available seedlings for the targeted plantation in existing CAMPA nurseries.

Thus, due to lack of intra-departmental co-ordination between State CAMPA and Social Forestry wing of the Department, an avoidable expenditure of ₹ 1.52 crore towards procurement of seedlings from private nurseries was incurred.

In reply, the Department stated (February 2022), that due to non-availability of sufficient quantity of *Agar* seedlings in existing CAMPA nurseries, *Agar* seedlings were procured (2017-18) from private nurseries for public distribution.

The reply is not based on facts as the Department had 178.96 lakh seedlings available with them to spare and in view of the SLSC directions (September 2015), the thrust of the Department was to produce quality *Agarwood* seedlings in the CAMPA nurseries.

5.3.2.6 Expenditure in deviation of sanction order

In February 2017¹³⁸, the Addl. PCCF, Social Forestry sanctioned ₹11.35 lakh to Guwahati SF Division for creation of one 1.5 ha nursery at City Plantation range under Tribal Sub Plan (TSP) scheme. The DFO, Guwahati SF Division submitted (April 2017) Utilisation Certificate (UC) for ₹ 11.35 lakh towards creation of nursery to the higher authority.

Scrutiny of records revealed that the Division with an amount of ₹ 1.35 lakh, partially completed seven items out of 21 sanctioned items required for creation of nursery and with the remaining ₹ 10 lakh, procured (March 2017) 50,000 *Agar* seedlings in deviation to the sanctioned items¹³⁹ required for creation of nursery. There is no scope for procurement of seedlings as per norms for creation of nursery. Thus, the expenditure of ₹ 10.00 lakh involved in procurement of *Agar* seedlings resulted in violation of sanction order as well as non-creation of 1.5 ha nursery under TSP.

In reply, the Department stated (February 2022), that under exigent circumstance 50,000 *Agar* Seedlings were procured by Guwahati SF Division for distribution to public. Reply is not tenable as only 9,000 *Agar* Seedlings were distributed till March 2018 and also the reply is silent about the incorrect submission of UC of ₹ 11.35 lakh.

¹³⁷ As per norms for 2016-17 issued by the PCCF & HoFF, Assam production cost of 2,00,000 seedlings (polypot) in each 1.5 ha was ₹11,35,000 (i.e. cost of one seedling is ₹ 5.68)

¹³⁸ No.FDG.1/TSP/2016-17 dated 27.02.2017

¹³⁹ (1) Site selection, survey, demarcation, jungle cutting, etc., (2) Fencing (3) Making of standard bed (4) Procurement of seeds, cow-dung Manure, insecticide/ pesticide (6) Sowing/dibbing of seeds (7) Soil preparation, (8) Procurement and application of manure (9) Preparation of beds (10) Watering to beds (12) Shifting of polypot seedling (13) Providing temporary shade (14) Construction of Camp hut (15) Installation of one/tube well (16) Procurement of tools, implements, signboard, Camp hut accessories, etc., (17) Construction of inspection path and approach road (18) Protection work (19) Awareness & monitoring & evaluation works.

5.3.3 Plantations

Plantation is one of the most vital steps towards afforestation after nurseries. As per the ISFR, a complete extent of tree resources covered with tree patches is often termed as 'Forest & Tree Cover'. As per the Assam State Action Plan on Climatic Change, the target set for plantation under the Green India Mission (GiM)/ CAMPA and APFBC fund for the period 2015-2020 was 10,000 ha.

5.3.3.1 Non-completion of a project under *Nagar Van-Udyan Yojana* despite receipt of central share

MoEF&CC, GoI, formulated (August 2015) a scheme "*Nagar Van-Udyan Yojana-Ek kadam hariyali ki or*" i.e. to create at least one City Forest in each city for providing wholesome healthy living environment and contributing to growth of smart, clean, green, sustainable and healthy city. As per the guidelines, the GoI and State Government would provide one-time financial support for development and non-recurring expenditure to the agency in the ratio of 80:20. In March 2016, PCCF, CAMPA directed the DFO, Guwahati SF Division to implement *Nagar Van-Udyan Yojana* at Agyathuri RF, Guwahati with an estimated cost of ₹ 54 lakh (Central share of ₹ 43.20 lakh) for creation of 27 ha City Forest.

The State CAMPA had received central share of ₹43.20 lakh¹⁴⁰ in two instalments from National CAMPA Advisory Council (NCAC), however, the State CAMPA released ₹ 32.40 lakh¹⁴¹ to the Guwahati Division for implementation of the scheme. After partial¹⁴² completion of the project work with the allocated fund, the Division requested (28 February 2018) the State CAMPA for release of remaining central share of ₹ 21.60 lakh. However, the fund was not released till March 2021 to the Division though the GoI has released its share in September 2018. Audit also noticed that most vital part of the project such as creation of nursery, plantation of plants *etc.* were partially completed due to non-release of fund. Audit further noticed that there was excess expenditure of ₹ 2.50 lakh against the prescribed norms and the Department also started Departmental Proceedings against the then DFO for such excess expenditure.

Thus, delay in utilisation of fund by the State CAMPA despite receipt of fund from GoI led to non-completion of City Forest even after lapse of three years from release of central share. Further, with the passage of time, degradation in the assets partially created cannot be ruled out.

In reply, the Department accepted (February 2022) audit observation by stating that the remaining work of the Nagar Van Udyan Yojana shall be completed after the Departmental Proceeding is over and on receipt of balance amount to achieve the objectives of the Scheme.

¹⁴⁰ ₹ 21.60 lakh in March 2016 & ₹ 21.60 lakh in September 2018.

¹⁴¹ ₹ 11.00 lakh, ₹ 10.60 lakh & ₹ 10.80 lakh in March 2016, November 2016 & January 2017 respectively.

¹⁴² Out of 21 items of work, seven were completed in full, 10 were partially completed and four were not commenced at all.

5.3.3.2 Faulty site selection for Artificial Regeneration of 100 ha Plantation led to wastage of ₹36.89 lakh

The DoE&F, GoA approved (November 2016) a plantation of 100 ha under Artificial Regeneration (AR) scheme of CAMPA at Majuli. The DFO, Golaghat SF Division requested the Deputy Commissioner (DC), Majuli District to identify the viability of plantation in the identified area¹⁴³. The DC, Majuli informed (February 2017) that two plots were available for plantation, one at Masua Chapori (NC) (120 ha) and another at Maduri Chapori (NC) (100 ha). It was also informed that immediate plantation may be commenced at Maduri Chapori, Salmara where a compensatory plantation of 250 ha was satisfactorily raised in 2005-06. While the land at Masua Chapori, Kamalabari is under encroachment and not readily available for plantation. In this regard, audit noticed as follows

- The DFO initiated (March 2017) 100 Ha plantation at Masua Chapori and incurred an expenditure of ₹ 36.89 lakh towards creation and maintenance activities despite the prior knowledge of encroachment on the said plot of land. The plantation was created between March 2017 and July 2018.
- In June 2017, the DC, Majuli imposed ban (September 2017) on cultivation, farming, *etc.* and enforced Section 144 of CrPC at Masua Chapori based on information of encroachment as reported by the DFO, Golaghat SF Division.

The continuation of plantation activities in Masua Chapori till October 2017 even though there was frequent biotic pressure¹⁴⁴ like cattle grazing, cultivation, *etc.* resulted in survival of plantation being only 10 *per cent* against the desired 100 *per cent*. Thus, wrong selection of plantation site by the DFO, Golaghat SF Division despite prior information about encroachment resulted in wastage of ₹36.89 lakh.

The DoE&F, GoA needs to investigate the reasons for faulty selection of the site by the DFO instead of selecting available clear site for the plantation as proposed by the DC, Majuli.

In reply, the Department stated (February 2022), that feasibility report for the plantation was not made, and the plantation was damaged due to high biotic pressure and unprecedented floods in 2017 and 2018.

5.3.3.3 Deviation from approved site-specific plantation area

The monies received for site-specific scheme can be used as approved by the GoI. Scrutiny of records revealed that during 2014-15, the DFO, Nagaon (T) has diverted the site for creation of a 50 ha site-specific plantation from Litumari¹⁴⁵ Reserve Forest to Doboka Reserve Forest without prior approval of the GoI. During 2014-19, the Division has incurred an expenditure of ₹15.04 lakh towards creation and maintenance

¹⁴³ (1) Jamud Chuk Gaon, (2) Masua Chapori (NC), (3) Moyongiya Chapori (NC), (4) Tikirai Chapori (NC), and (5) Maduri Chapori (NC).

¹⁴⁴ The NWP 2014 (Clause 110) defines biotic pressure as the sources of degradation due to various factors like grazing, browsing, fire, lopping, girdling, illicit felling, mining, *etc.*

¹⁴⁵ Selected by the GoI.

of the plantation at Doboka Reserve Forest. The physical verification (12 May 2018) of plantation site by the DFO revealed that a few saplings aged two years were available in 20 ha area only despite expenditure incurred on maintenance of the whole 50 ha of plantation. The DFO had also raised doubts on proper utilisation of fund and accordingly explanation was called for from the concerned Range Officer. However, no action taken report was made available to audit though called for.

From the above, it is clear that site-specific plantation area was deviated without approval of the GoI besides short coverage of plantation area.

In reply, the Department stated (February 2022) that this plantation was done to meet up the urgency of plantation work as the monsoon season was supposed to be over and there was no suitable area in Lutumari RF. Further, the Department directed DFO to take appropriate action against the concerned Range Officer. Further action taken report is awaited as of February 2022.

5.3.3.4 Creation of two numbers of 5 ha Block Plantation

As per the revised norms for plantations and nurseries issued¹⁴⁶ by the PCCF & HoFF, the plantation shall be done within the same year of advance works¹⁴⁷. During 2017-18, GoA approved 12 plantation area (each of 5 ha block plantation) in nine SF Divisions and released ₹1.12 crore (₹ 9.37 lakh for each block plantation¹⁴⁸) for advance work under two schemes viz., TSP and SFG.

During audit, it was noticed that in two Divisions (viz. Nagaon and Golaghat SF Divisions), the advance works in three¹⁴⁹ 5 ha block plantations¹⁵⁰ was completed in March 2018 with an expenditure of ₹28.12 lakh. However, plantation work was not done till February 2021 due to non-receipt of required fund¹⁵¹.

Thus, due to non-release of fund by the GoA, the plantation works could not be completed as per the extant guidelines which led to idle expenditure of ₹28.12 lakh on advance works.

In reply, the Department stated (February 2022) that out of two 5 ha block plantation of Golaghat SF Division, one was approved for creation of plantation, however, plantation could not be done due to lack of bidders. Further, in Nagaon SF Division, the creation of plantation was carried out by using seedlings from the existing nurseries and the survival percentage was more than 90 *per cent*.

However, Department is yet to produce records to audit in support of communication made with the Government in connection with release of funds.

¹⁴⁶ 29.07.2017

¹⁴⁷ advance works includes (i) Survey & demarcation; (ii) Jungle clearing & Slash disposal; (iii) Fencing; (iv) Lining & Stacking; (v) Making Inspection Paths and (vi) Site nursery for vacancy filling.

¹⁴⁸ Advance work of 5 ha block plantation during 2017-18

¹⁴⁹ 5 Ha Block Plantation @ ₹. 9,37,200 each towards advance work of one Planation under Nagaon SF (under SFG) and two Planations under Golaghat SF (one under TSP and another under SFG)

¹⁵⁰ under two schemes

¹⁵¹ projecting requirement of fund of ₹1.61 lakh per year for each 5 ha block plantation

Recommendations

- *The Department may ensure timely preparation of working plans following the existing guidelines/ norms and get them approved for effective implementation.*
- *The Department may take immediate measures to demarcate forest land in consultation with the Revenue Department to prevent encroachment and make forest land free from encroachers.*
- *The Department may assess the actual requirement of seedlings including demand of seedlings, fix the viability period of seedlings for planting, etc. and ensure intra-departmental coordination for utilisation of saplings/seedlings produced in State owned nurseries.*
- *The Department may ensure long-term planning in terms of creation and maintenance of nurseries and to coordinate the release of fund towards plantations with the calendar of plantation activities and the actual requirement of native seedlings before production of the same.*
- *The Department may fix the responsibility against the non-adherence of comments/ recommendations of concerned authorities.*

5.3.4 Wildlife in Assam

The Protected Area Network (3925-sq. km. area) constitute about five *per cent* of the State's geographical area in Assam which includes five National Parks¹⁵² (NP), 20 Wildlife Sanctuaries¹⁵³ (WLS) (including two newly proposed) and two biosphere reserves namely Dibru-Saikhowa and Manas.

5.3.4.1 Deficiencies in planning

The Guide¹⁵⁴ to management planning highlights that annual plan of operations (APO) should flow from the schedule of operations incorporated in the management plans which are prepared for the long term.

Audit observed that the NP and WLS had prepared APOs on year-to-year basis instead of a rolling long-term management plan for the period 2015-20. In absence of long-term management plan, the authorities could not achieve long term activities like grassland management, habitat management, anti-poaching and protection works *etc.* some of which are discussed in the succeeding paragraphs.

¹⁵² **National Parks of Assam**→(1) Kaziranga National Park, (2) Manas National Park, (3) Dibru - Saikhowa National Park, (4) Nameri National Park (5) Rajiv Gandhi Orang National Park

¹⁵³ 1) Garampani; (2) Laokhowa; (3) Bornadi; (4) Chakrasila; (5) Burachapori; (6) Panidehing; (7) Hollongapar Gibbon; (8) Pabitora; (9) Sonai Rupai; (10) Bherjan - Borajan - Padumoni; (11) East K. Anglong; (12) Nambor; (13) Marat Longri; (14) Nambor - Doigrung; (15) Amchang; (16) Dehing Patkai; (17) Borail; (18) Deepar Beel; (19) Bordoibam Bilmukh Bird (Proposed); (20) North K. Anglong (Proposed)

¹⁵⁴ Issued by the Wildlife Institute India, Dehradun

The Kaziranga National Park was declared¹⁵⁵ as Tiger Reserve (KTR) by the GoA in August 2007, with a core area of 482 sq.km. and a buffer area of 548 sq. km. totalling 1030 sq. km. Again, in December 2007¹⁵⁶, GoA notified KTR as Critical Tiger Reserve with an area of 625.58 sq.km.¹⁵⁷ including some other neighbouring wildlife zones having frequent movements of tigers. A tripartite Memorandum of Understanding (MoU) signed between NTCA, GoA and Field Director, KTR for efficient fund flows to ensure effective Tiger conservation stipulates following terms and conditions:

- i. *The Tiger Conservation Plan (TCP) as required under Section 38V of the Wildlife (Protection) Act, 1972, as amended in 2006, shall be prepared for the Tiger Reserve for which funding support is being sought from the First Party, as per the prescribed guidelines within six months from the date of the signing of this MOU.*
- ii. *The core or critical tiger habitat and the buffer or peripheral area shall be delineated and notified as required under the Wildlife (Protection) Act, 1972, as amended in 2006 within six months from the date of the signing of this MOU.*
- iii. *The staff vacancies shall be filled up by the Second Party for ensuring effective implementation and field protection, after fixing area norms vis-à-vis the topography within six months from the date of the signing of this MOU.*

Audit noticed that GoA submitted (April 2013) TCP with an estimated budget of ₹16,123.95 crore for ten years (2015-25) incorporating core area of Tiger Reserve as 429.93 sq. km. for ten years (2015-25) to the National Tiger Conservation Authority (NTCA) for approval. However, NTCA could not approve (till February 2021) the TCP mainly due to non-reconciliation of core area in the notifications issued by the GoA and proposed TCP. Instead of TCP, an amount of ₹86.89 crore was approved against proposal of ₹124.27 crore in the APOs under CSS-Project Tiger for the period 2015-20. However, an amount of ₹ 56.05 crore was released from GoI and GoA to KTR. Thus, non-finalisation of TCP resulted in non-receipt of requisite fund towards fulfilment of following management goals as emphasised in the proposed TCP:

- to protect Kaziranga and make it poaching free in a long term perspective;
- to secure, improve and extend the habitat of Kaziranga;
- to establish and maintain around Kaziranga a connected network of buffers, corridors, satellite cores, conservation reserves and tiger reserves in landscape mode;
- to promote and cultivate habits in the landscape which minimise human-animal interface;

¹⁵⁵ Notification No.FRW-6/2007/23 dated 03.08.2007

¹⁵⁶ Notification No.F.R.W.2/2007/17 dated 20.12.2007

¹⁵⁷ Kaziranga National Park: 430 sq. km. **plus** 1st Addition; 43.79 sq. km. **plus** 6th Addition: 37.60 sq. km. **plus** LAOKHOWA WLS: 70.13 sq. km. **plus** BURACHAPORI WLS: 44.06 sq. km.

- to provide green growth opportunities for the people living within the landscape; and
- to promote and cultivate sustainable and environment friendly value systems in the landscape and mitigate climate change impacts in long term with little or no pollution/ waste generation.

In reply, the Department stated (February 2022), that revised draft TCP with maps and Appendices will be submitted shortly to the NTCA for final approval.

5.3.4.2 Annual Plans of Operations vis-à-vis fund management

The projection of requirement of funds in the APOs vis-à-vis actual release of funds under CSS during 2015-20 was test checked in respect of Pobitora WS and KTR and findings are discussed below:

(i) **Pobitora WS:** Against the APO (CSS- Integrated development of wildlife habitats for national parks and wildlife sanctuary in Assam) of ₹154.85 lakh (Central share of 90 *per cent plus* State share of 10 *per cent*) prepared by the park authorities for 2016-20, an amount of ₹67.49 lakh had been allocated to it through GoI and GoA and thus the overall percentage of fund released worked out to 44 *per cent* of total demand, the reasons of short release was mainly due to delay in release of funds by GoA.

(ii) **Kaziranga Tiger Reserve:** Since declaration of KTR in 2007, the NTCA has provided financial assistance for protection and development of KTR under Project Tiger through GoA (details in **Appendix- XXXIII**).

Audit observed that GoI has released ₹ 50.95 crore (65 *per cent*) out of approved amount of ₹ 78.79 crore and GoA has released ₹ 5.11 crore (63 *per cent*) out of ₹ 8.11 crore. Altogether, KTR had received 64 *per cent* of the required fund for protection and development of KTR. The short release of funds by the GoI is mainly attributed to delay in release of fund to KTR by GoA. Analysis of item-wise utilisation of funds during 2019-2020 showed that the KTR authority could attempt 207 activities (out of 260 approved items of work in APO), of which 169 activities could not be fully completed due to shortage of funds.

Thus, the lesser allocation of funds had compelled the wildlife managers to scale down the activities envisaged in the original APOs.

In reply, the Department stated (February 2022) that lesser coverage of activities planned in APOs at Pobitora and Kaziranga was due to short and delayed release of funds from GoA.

5.3.4.3 Pobitora Wildlife Sanctuary

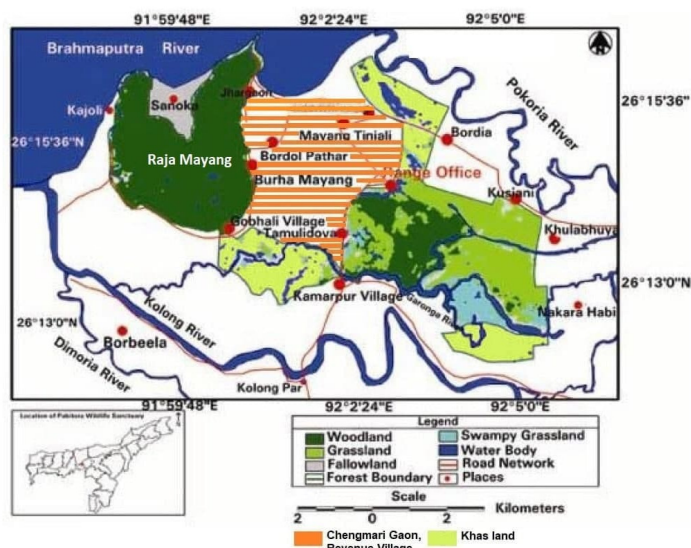
Pobitora WLS¹⁵⁸ with an area of 38.81 sq. km., is situated in the flood plains of River Brahmaputra in the district of Morigaon and harbours world's highest density of

¹⁵⁸ Vide GoA Notification No. FRS.19/87/152 dated 17.03.1998.

rhinoceros with around 103 rhinos. Pobitora WLS is also a habitat for Leopard, Leopard cat, Fishing cat, Jungle cat, Feral Buffalo, Wild pigs, Chinese pangolins, *etc.* Besides WL, it is also famous zone for Birds with 375 species (46 families) of both migratory and resident birds recorded till March 2021. Also, 27 species of reptiles and nine species of amphibians have been recorded in the region. Audit findings on demarcation of boundary of Pobitora WLS are discussed below:

During 2019-20, five out of 17 or about one third rhinos reportedly died due to infighting, which may be attributable to space crunch.

The Pobitora Wildlife Sanctuary is defined as one land unit comprising of (i) Pobitora RF (15.85 sq. km.); (ii) Khas land¹⁵⁹ (10.98 sq. km.) and (iii) Raja Mayang Hill RF (11.98 sq. km.). The Pobitora RF and Raja Mayang Hill RF is connected through Khas land and Changmari Revenue Village. The DFO, Guwahati Wildlife Division requested (September 2019) the Deputy Commissioner, Morigaon to stop collecting land revenue from the local villagers and to hand over the Khas land to the Pobitora WL authority. However, till March 2021, no action was taken up by the Revenue authorities to hand over the Khas land to the Wildlife Division. This disconnected Pobitora RF from Raja Mayang Hill RF which is obstructing movements of wildlife animals within the areas allocated/declared as wildlife sanctuary. Further, Rhino populations are also not able to make optimum use of the transit corridor towards Raja Mayang Hill RF as Khas land and Changmari Revenue Village falls between Pobitora RF and Raja Mayang Hill RF.



The GoA and the WLS needs to settle the khas land measuring 10.98 sq. km. between the revenue and forest authority for effective use of notified areas of the sanctuary to create more space for free movements of the animals.

In reply, the Department stated (February 2022) that the PCCF, Wildlife and Chief Wildlife Warden, Assam requested the Addl. Chief Secretary, Environment & Forest Dept. GoA for taking necessary action to hand over the Khas lands to the Forest Department.

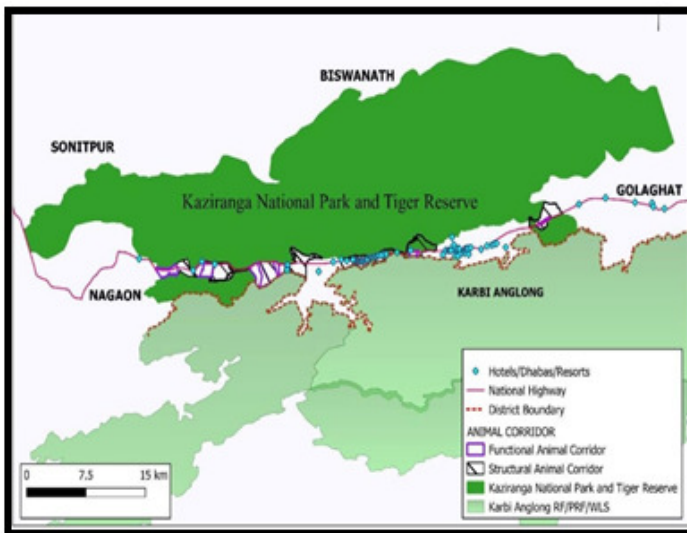
¹⁵⁹ Waste land or estate over which no person has acquired the right of a proprietor

5.3.4.4 KAZIRANGA TIGER RESERVE

The natural ecosystems of KTR consists of several communities of plants and animals and significant natural habitat for *in-situ* conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science and Biodiversity Conservation.

Automated animal sensors in KTR

In Kaziranga, the grassland of the Brahmaputra flood plains and the adjoining hill forests of Karbi Anglong form a single unit. The combination of the grassland plains and the adjoining hills, divided by National Highway 37, are important because the Brahmaputra River flowing on the north side of the wildlife habitat inundates the grassland plains during each monsoon forcing the animals to take shelter in the adjoining hills. In order to facilitate free movement of the animals to and from the adjoining hills, the park management has designated animal corridors in specific paths which are frequented by the animals for movement as indicated in the map.



Source: Committee for Delineation of Corridors, Govt. of Assam

It was observed that the National Green Tribunal (NGT) directed the GoA for implementation of short term (on 5 February 2015) and long-term (on 22 April 2015) measures as under:

(A) **Short-term Measures:** fixation of sensor operated automatic barriers at the animal corridors- i.e. the points where as per survey already done the animals cross the highway to reach other side of the forest area (05 February 2015) and

(B) **Long-term measures:** construction of flyover, under passes, tunnels for facilitating the wildlife movement across the Kaziranga during normal time as well as in critical conditions like floods. The GoA should prepare Detailed Project Report (DPR) in respect of long-term measures and submit to NGT within three months.

Audit collected information as well as test checked records related to implementation of short-term and long-term measures taken by the GoA and observed as under:

- The Director, KNP awarded (23-09-2016) the works relating to installation of an automatic operation and control system consisting of Animal Sensors and other requisite equipment and software at Malini camp (Kanchanjuri Animal Corridor on the NH-37) to M/s Divisys India Pvt. Ltd (lowest bidder) at a cost of ₹1.84 crore, to be completed within five months from the date of agreement.

The animal sensor at Malini Camp though made operational but was discontinued due to non-installation of two additional thermal cameras as directed (July 2018) by Hon'ble NGT.

- The primary requirement of an automated Animal Sensors is continuous power supply so that the surveillance of animals crossing the NH-37 to control the traffic on NH-37, which was not ensured by the Department.
- Further, GoA awarded (9 January 2019) contract for installation of automated animal sensors at six animal corridors other than Malini Camp to M/s. Brihaspathi Technologies Pvt. Ltd. at total cost of ₹ 15.98 crore to be completed within March 2021. Audit noticed that none of the animal sensors were made operational till completion of audit.
- During 2016-20, a total of 58 animals were run over by speeding vehicles on NH-37 adjacent to KTR.
- As regards long-term measures, GoA issued (October 2016) work order to M/s Wadia Techno Engineering Services Ltd. through the Chief Engineer, PWD (NH Works), Assam for "Consultancy Services for Feasibility Study and preparation of DPR for Implementation of Wildlife friendly measures proposed on KNP stretch of the NH-37" at an estimated amount of ₹3.78 crore. The consultant M/s Wadia Techno-Engineering Services Ltd., Mumbai has submitted (August 2017) the Draft Feasibility Report. However, the status of DPR has not been made available to audit (January 2021).

Thus, even after six years of the NGT's instruction, GoA failed to operationalise automated animal sensors in any of the animal corridors after an expenditure of ₹6.12 crore. Further, Government is yet to implement the long-term measures.

In reply, the Department stated (February 2022) that the failure of the pilot project at Malini Camp can be attributed to two major factors, one being the power supply and the other maintenance. The reply is not tenable as the continuous power supply is the primary requirement of the project.

Further, the Department stated that installation of equipment in respect of six camps was carried out till April 2021. However, the Department's reply remained silent about the operational status in respect of installed Automated animal sensors at the six camps.

Recommendations

- *The Department may ensure timely approval of Tiger Conservation Plan and Management Plan for each of Protected Area Network of Assam and preparations of APOs in synergy with the items of works envisaged in the plan.*
- *The Government may consider timely allocation of funds to wildlife Divisions in consonance with consolidated APOs for smooth management of wildlife activities.*
- *The Government may consider immediate implementation of long-term measures as per NGT's instruction considering the animals' safety while crossing National Highway.*

5.3.5 Biodiversity

The term 'biodiversity' is used to refer to all aspects of variability in the living world, including diversity within and between individuals, populations, species, communities and ecosystems. The human civilisation depends directly or indirectly upon this biodiversity for their basic needs of survival - food, fodder, fuel, fibre, fertiliser, timber, liquor, rubber, leather, medicines and several raw materials. This diversity is the condition for the long-term sustainability of the environment, continuity of life on earth and the maintenance of its integrity.

The growing concern for environmental degradation and depletion of biological diversity world-wide led to the establishment and adoption of the Convention on Biological Diversity (CBD) in 1992. This Convention recognised the sovereign rights of the States over their biological resources. With this objective, the GoI enacted the Biological Diversity Act, 2002 in October 2003. The Act provides for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of commercial use of biological resources and associated traditional knowledge.

The Act was to be implemented through three functional bodies, viz., the National Biodiversity Authority (NBA) established in 2003 at the National level, State Biodiversity Boards (SBBs) at State level and Biodiversity Management Committees (BMCs) at the level of local communities. Audit findings are discussed in the succeeding paragraphs.

5.3.5.1 Assam State Biodiversity Board (ASBB)

GoA established the Assam State Biodiversity Board (ASBB) on 29 September 2010 after a lapse of more than eight years from the enactment of Central Act. The GoA has declared¹⁶⁰ Majuli district as Biodiversity Heritage Sites¹⁶¹ and notified¹⁶² 14 Endangered/ threatened species in the State. Audit observed that the ASBB was lacking in fulfilment of the following activities:

- All BMC¹⁶³ are required to prepare and submit duly signed People's Biodiversity Register (PBR)¹⁶⁴. Audit noticed that out of 2,549 BMC in Assam, 304 BMC (11.92 per cent) has prepared PBR as on March 2020.

¹⁶⁰ MoEF, GoI declared vide notification No. FRW57/2005/Vol.-II/14 dated 29 March 2017.

¹⁶¹ Under Section- 37 of Biological Diversity Act, 2002 and Rule 24(1) of the Assam Biodiversity Rules 2010, the State Government upon recommendation of the Assam State Biodiversity Board from time to time may notify in Official Gazette areas of biodiversity importance as Biodiversity Heritage Sites (BHS). At present 'Majuli' has been notified by the State Government as the first Biodiversity Heritage Site of Assam on 26 May 2017.

¹⁶² MoEF&CC, GoI notified vide notification No. S.O. 3846(E) dated 2 August 2018.

¹⁶³ BMC shall have seven persons nominated by the local body of whom not less than one third shall be women. The Chairperson of BMC shall be elected from amongst the members of the Committee.

¹⁶⁴ The register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them. PBR is not simply a register with names of species and their distribution in a given area but it is a comprehensive data base recording peoples' traditional knowledge and insight of the status, uses, history, ongoing changes and forces driving these changes on the biological diversity resources of their own localities. Further, it helps equitable sharing of benefits arising out of commercial utilisation of biodiversity resources and knowledge on their uses.

- The database on biodiversity resources in the State had not been prepared by the State Biodiversity Board till March 2020.

In reply, the Department stated (February 2022) that all the 2,549 BMCs of Assam have completed preparation of PBR by March 2020. Therefore, the database on biodiversity resources in the state stood prepared by the State Biodiversity Board by March 2020. However, audit noticed that during ASBB meeting held in August 2020 it is stated that duly signed hardcopies in respect of 2245 out of 2549 PBRs yet to be submitted to the ASBB.

5.3.5.2 Assam Project on Forest and Biodiversity Conservation (APFBC)

The Assam Project on Forest and Biodiversity Conservation (APFBC) is co-funded by the French Development Agency – Agence Française de Développement (AFD) and the GoA. The first phase of the project commenced in February 2012 and ended in May 2019. The goal of the project was to restore forest ecosystems, in collaboration with the forest dependent communities, to enhance their livelihoods and ensure conservation and sustainable use of biodiversity.

It was observed that the APFBC carried out two types of plantation activities, one - through forest department and the other through Joint Forest Management Committee (JFMCs). The departmental plantation consists of 13,182 ha of land (2,090 ha of assisted natural regeneration, 1,315 ha of Sal regeneration, 4,697 ha of mixed hardwood, 4,380 ha of non-timber forest product and 700 ha of block plantations) along with 31 nurseries with a special focus on indigenous fruit-bearing tree species. The departmental plantations (13,182 ha) were made over four years in 31 Divisions across nine circles. The audit findings in three test check Divisions are discussed in the succeeding paragraphs:

Audit scrutiny of records of three¹⁶⁵ Divisions revealed that 865 ha, 745 ha and 557 ha plantation were carried out in Kamrup West Division, Nagaon and Kamrup East Division respectively. During April 2017 to June 2017, as per the direction of the Chief Conservator of Forest, the respective CF/ DFOs had carried out inspection and reported the following findings on APFBC:

- In Kamrup West Division, out of total 33 plantations sites, 15 sites (45.45 *per cent*) had survival rate of seedlings of less than 30 *per cent* (details in **Appendix-XXXIV**)
- In Nagaon Division, out of 32 plantation sites, 27 plantations sites (84.37 *per cent*) had survival rate of seedlings of less than 30 *per cent* (details in **Appendix-XXXV**).
- In Kamrup East Division, out of 29 plantations, two plantations namely Mixed Hard Wood plantation of 60 ha and Sal Regeneration of 50 ha were not done at all. Further, out of 27 plantation sites, 9 plantation sites (33.33 *per cent*)

¹⁶⁵ Kamrup West, Kamrup East and Nagaon Territorial.

had survival rate of seedlings of less than 30 *per cent* (details in **Appendix-XXXVI**).

Thus, out of 94 plantations sites in three Divisions, 51 sites (54.25 *per cent*) had survival percentage of seedlings of less than or equal to 30 *per cent*¹⁶⁶, which is considered as poor plantation. This led to non-achievement of objective of APFBC.

In reply, the Department stated (February 2022) that in future, sufficient care will be taken at the time of selecting proper site for taking up new plantation and timely release of fund for creation and maintenance plantation will be done as per plantation calendar. Therefore, fact remains that there was poor survival of plantation and no plan to upgrade the existing plantations were made.

5.3.5.3 Shortfall / overlapping in plantation

The Central Empowered Committee (CEC) constituted by the Hon'ble Supreme Court of India (April 2008) in its Supplementary Report regarding calculation of Net Present Value (NPV) payable on use of forest land of different types for non-forest purposes mentioned that the Forest Survey of India, has since last two decades been undertaking forest cover mapping of the country biennially using satellite data which can be used to ascertain for an area, with the help of its coordinates, its forest type as per the Champion & Seth classification as well as its forest density.

In Assam, the SLSC decided (in April 2011) that before any area was taken up for afforestation, its coordinates in terms of latitude and longitude were to be recorded and the existing condition of the area was to be documented in terms of photography/ videography as well as on satellite imageries.

In compliance to the above orders, geo-coordinates were recorded against the plantations raised during the period 2015-2020 under CAMPA, APFBC and Social Forestry. However, out of 268 plantations under CAMPA the geo-coordinates of 84 plantations were recorded in full¹⁶⁷ and out of 147 plantations under APFBC only one was recorded in full. This was despite the fact that the geo-coordinates of plantations under both the schemes were being marked and maintained by the same forest Divisions of the DoEF, GoA.

Out of 85 complete recorded coordinates, audit test checked 19 coordinates with help of Google Earth and observed that in five plots, there was shortfall in actual plantation area and in three plots showed plantations areas are greater than the allotted area. Further, analysis of geo-coordinates of nineteen plantations with the help of the North Eastern Space Application Centre (NESAC), Shillong, showed overlapping of areas of eight plantations. (Details in **Appendix-XXXVII**).

Thus, non-detection of overlapping and shortfall/excess coverage of plantation area by the department indicates non-compliance of specific directions of the CEC and the

¹⁶⁶ As per Third Party Monitoring & Evaluation report (approved by SLSC of CAMPA) the Plantations with survival percentage of 60% or more is Excellent, less than 60% but more than 30% is good and plantation with survival percentage less than 30 % is poor.

¹⁶⁷ minimum eight coordinates for four corners of a plot is essential

SLSC. Further, such overlapping/ short coverage of plantation area than the allotted area also points towards diversion of allocated funds to the tune of ₹ 95.00 lakh, which needs to be investigated by the Department.

In reply, the Department stated (February 2022) that there is no such overlapping in plantation area. Further in exit conference (February 2022), the Department also stated that geo-coordinates which were physically verified by the concerned DFOs will be provided to audit shortly. However, further reply is awaited.

Recommendations

- *The Department may ensure the completion of People's Bio-diversity Register (PBR) and the bio-diversity database within a specific time period for smooth exploration of bio resources of Assam.*
- *The Department may immediately investigate the overlapping of plantations and take appropriate action on the matter.*

5.3.5 Conclusion

The compliance audit of three distinct activities of the E&F Department of GoA revealed a number of areas needing closer monitoring to pave the way for further improvement, which if properly attended to, will enable optimum utilisation of manpower and resources leading to fulfilment of objectives of the Department.

Afforestation: Even after lapse of seven years of NWP coming into being, none of the Divisions except one had a WP approved by the GoI leading to all activities in these Divisions being carried out on purely *ad-hoc* basis. Afforestation initiatives were hindered due to failure of the departmental authorities to protect land from encroachments, non-demarcation of forest lands, doubtful declaration on creation of plantations, absence of co-ordination between the DoE&F and the revenue authorities. Outcome of creation of nurseries could not be optimised due to mismatch between the actual requirement of species and those raised in the nurseries, deficiencies in management of nurseries like non-allotment of funds, irregular site/species selection, exorbitantly high rates for purchase of seedlings despite availability of same seedlings in departmental nurseries. There was shortfall of 33.88 *per cent* in achievement of targets for the period 2015-2020 for overall plantation in the State.

Wildlife: The Department did not put in place a long-term perspective plan required for the effective conservation of wildlife and instead prepared sub-optimal annual plans. There was dearth of funds for management of wildlife as the GoA could get about 64 *per cent* of the funds budgeted in the APOs which impacted effective management negatively. Wildlife territories faced constraints like non-reconciliation of total area in KTR while there was land dispute in Pobitora.

Bio-diversity: On a positive note, the GoA has notified Majuli district as Bio-diversity Heritage Site as well as 14 Endangered/threatened species in the State. However, the State was yet to have a list of bio-diversity resources as of March 2020 while almost 90 *per cent* of the BMCs did not have a PBR. In more than 50 *per cent* of plantations

carried out under Indo-French collaborative project, the survival rate was less than 30 *per cent* which is termed as poor. Analysis of geo-coordinates in case of plantations revealed cases of short coverage and overlapping between plantations.

Chapter-VI

Revenue and Disaster Management

CHAPTER - VI:

REVENUE & DISASTER MANAGEMENT DEPARTMENT

6.1 Administration

Management of levy and collection of stamp duty and registration fees is the responsibility of both the Government of India (GoI) and the State Government. The Indian Stamp Act, 1899 (IS Act) enacted by the GoI prescribes the rates of Stamp Duty in respect of Bills of Exchange, Cheques, Promissory notes, Bills of lading, Letter of credit, Policies of insurance, transfer of shares, Debentures, Proxies and receipts as specified in entry 91 of List-I Union list of the Seventh Schedule to the Constitution of India. The States are empowered under Entry 63 of list-II State list of the Seventh Schedule to the Constitution of India to prescribe the rate of stamp duty on instruments other than the instruments specified in Entry 91 of Union list. Receipts from the Stamp Duty and Registration fees in the State of Assam are regulated under the Indian Stamp Act (IS Act), 1899; the Registration Act, 1908 and Rules made there under. The Stamp duty is leviable (*Ad valorem* or fixed) on value of the instruments executed at the rates prescribed from time to time in the IS Act and registration fees is payable at the rates prescribed in the Registration Act, 1908.

At the Government level, the Secretary to Government of Assam, Revenue & Disaster Management Department is responsible for administration of the Acts and Rules in the State. The Inspector General of Registration (IGR) is the Executive regarding levy and collection of stamp duty and registration fee. He is assisted by an Additional Inspector General of Registration and two Assistant Inspectors General of Registration. At the District, sub-divisional level, implementing officers are Senior Sub Registrar, Deputy Sub Registrar and Sub-Registrar.

6.2 Results of Audit

Test check of records of 39 unit offices (out of total 82 unit offices) relating to Senior Sub Registrar, Deputy Sub Registrar and Sub-Registrar in the State noticed deficiencies in 244 cases which falls under the following categories as detailed in **Table 6.1**.

Table 6.1:-Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Loss of revenue due to under valuation of land	10	0.21
2	Short realisation of registration fee and stamp duty	15	0.25
3	Collection of user fees	36	0.49
4	Others	183	0.40
Total		244	1.35

Compliance Audit Observations

6.3 Under valuation of sale deeds due to incorrect application of zonal value

The Deputy Commissioner (DC) has issued three “No Objection Certificate (NOC)” allowing re-classification-cum-transfer of Agricultural class into non-Agricultural class of land. The Sub-Registrar, Kamrup (Sadar) while registering the sale deeds considered Zonal value of Agricultural land instead of Non-Agricultural land. This led to short levy of Stamp Duty and Registration fee of ₹ 18.51 lakh.

[Sub Registrar, Kamrup (Sadar), May–June 2019]

As per Section 3 (ii) of the Assam Agricultural land (Regulation of Re-classification and Transfer for Non-Agricultural purpose) (AALR) Act¹⁶⁸, 2015, no agricultural land shall be transferred for intended non-agricultural purposes without the prior permission of the DC. The DC is competent to accord permission only after re-classification of the land. Further, as per sub-section 6 of Section 5 of the AALR Act, 2015, on approval of re-classification of agricultural land into non-agricultural class of land, it shall be mandatory on the part of the owner of the land to remit the prescribed re-classification premiums¹⁶⁹ on the prevailing minimum zonal value¹⁷⁰ of the agricultural land in that area.

As per article 23 of the Indian Stamp (Assam Amendment) Act, 2013 (as applicable in Assam) and the Assam Registration Act 2014, the Stamp Duty and Registration Fee prescribed at the rate of three *per cent* and two *per cent* respectively of the consideration/ agreed value or zonal value whichever is higher.

The DC, Kamrup, Sadar had fixed the zonal value of land Revenue Village wise under North Guwahati Revenue Circle in November 2014 and revised in October 2018.

On scrutiny of records of 294 deeds, out of total 6805 deeds registered during the year 2017-18 and 2018-19 in Kamrup, Sadar, Audit noticed that the DC issued three “No Objection Certificate (NOC)” allowing re-classification-cum-transfer of Agricultural land into non-Agricultural land (Udyog) measuring 23 Bigha¹⁷¹, 4 Katha and 14 lessa prior to sale of land. A perusal of registered sale deeds revealed that the Stamp Duty and Registration fee was realised as per zonal value of agricultural land instead of the re-classified non-Agricultural land (Trade Site-I¹⁷²). This resulted in short levy of Stamp Duty and Registration fee of ₹ 18.51 lakh as detailed in **Appendix-XXXVIII**.

¹⁶⁸ Introduced vide notification No. LGL.131/2015/Pt/7 dated 30 September 2015.

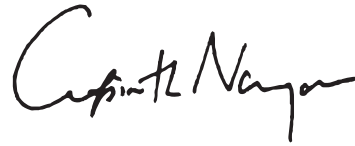
¹⁶⁹ at the rate of 10 per cent in case of reclassification and 15 per cent in case of re-classification cum sale.

¹⁷⁰ Minimum base value of land for a particular class of land in an area that is fixed and notified by the DC of the District from time to time.

¹⁷¹ 100 lessa = 1 Bigha, 20 lessa = 1 Katha and 5 Katha=1 Bigha.

¹⁷² As per zonal value fixed by the DC, no separate zonal value was fixed for the reclassified land category of ‘Udyog’. Hence, zonal value of Trade Site –I was considered. In respect of other district, the rate of ‘Udyog’ is higher than the Trade class

The case was reported to the Revenue and Disaster Management Department, Government of Assam and the Inspector General of Registration, Assam in September 2021; their replies have not been received (March 2022).



(K. S. GOPINATH NARAYAN)

Principal Accountant General (Audit), Assam

Guwahati
The 03 August 2022

Countersigned



(GIRISH CHANDRA MURMU)

Comptroller and Auditor General of India

New Delhi
The 10 August 2022

Appendices

Appendix-I
(Reference: Paragraph 1.7.3)

Action taken by the Government/PCBA on the recommendations

Year of Audit Report	Name of the Performance Audit	Reference of Paragraph	Recommendations	Action taken by the Department/Government
2014-15	Environmental degradation in the greater Guwahati area with special emphasis on the role of the Pollution Control Board, Assam (PCBA)	3.9	- The PCBA should prepare a time-bound action plan for use-based classification of surface water. - Monitoring of water on all the parameters identified by the CPCB should be taken up on priority in order to have a proper assessment and reliable database of the quality of water. - Action should be taken timely on defaulters.	Pollution Control Board, Assam has prepared Action Plan for five numbers of polluted rivers identified by the Central Pollution Control Board (CPCB) of the greater Guwahati are in compliance to the direction of Hon'ble NGT in OA. No. 673/2018 that has been already approved by Central Pollution Control Board. The activities pertaining to the Action plan has already commenced for rejuvenation and under implementation by the various concerned Stakeholder Departments. Monitoring of water quality under National Water Quality Monitoring Program (NWMP) by CPCB is carried out on monthly basis and as per the Standard Operating Procedure formulated by CPCB. The water quality data generated are transmitted on the EWQDES portal of CPCB on monthly basis in order to create a database of the water quality parameters of the surface water bodies. Directions issued by PCBA to all the industrial units which has failed to comply with the effluent discharged norms as per Section 5 of the Environment (Protection) Act, 1986, by PCBA.
		4.7	- The PCBA should establish adequate air quality monitoring stations especially in eco-sensitive and commercial areas and monitor all parameters as prescribed. - Functioning of vehicular pollution emission testing	Under National Air Monitoring Programme (NAMP), PCBA has been operating six number of Manual Ambient Air Quality Monitoring Stations at residential area of Guwahati city. Further, under National Clean Air Programme (NCAP), PCBA has set up two numbers of Manual Ambient Air Quality Monitoring Stations at Industrial area of Guwahati (Metro) city. The data generated on real time has been displayed through Electronic Display Board located at Bamunimaidam and Panbazar. The same data has been transmitted to CPCB server which can be easily accessed by general public. PCBA has conducted inspection at various vehicular pollution emission testing centres and observed that the instruments are calibrated upto date and working

Year of Audit Report	Name of the Performance Audit	Reference of Paragraph	Recommendations	Action taken by the Department/Government
			centres should be reviewed and strengthened in co-ordination with the Transport Department. The testing centres should be regularly monitored and strict action initiated against agencies issuing inaccurate PUC Certificate.	in satisfactory conditions. It is also observed that all the vehicular emission testing reports are made online now a days.
		5.9	- The PCBA should ensure that GMC obtains proper authorisation from them for management of MSW. - Awareness Campaigns should be initiated by the PCBA in schools and media to ensure that the general public is sensitised regarding scientific disposal of domestic waste.	PCBA has directed GMC to obtain Consent as well as authorisation from the Board prior to setting up and operation of integrated solid waste management facility. Mass awareness campaign are being organised from time to time. Also leaflets are being distributed among the general public and students, <i>etc.</i> regarding scientific disposal of domestic waste
		6.12	- The Government must ensure that no HCEs, Veterinary institutions and Animal Houses operate without authorisation of the PCBA so that the lives and health of humans and animals are not endangered. - The PCBA should take penal action against the violators under Environmental (Protection) Act.	PCBA has issued direction to all the HCFs, <i>etc.</i> to obtain Consent as well as authorisation from the Board prior to setting up and operation of the same. PCBA imposes environmental compensation on non-complying industries and violators under “Polluters Pay Principle”.

Year of Audit Report	Name of the Performance Audit	Reference of Paragraph	Recommendations	Action taken by the Department/Government
		7.5	- The PCBA should maintain updated information of all hazardous waste generating industries, recyclers, <i>etc.</i> and details of disposal of such waste. - In order to ensure scientific disposal of hazardous waste, the PCBA should insist on installation of Common Treatment, Storage and Disposal Facility. - The PCBA should take action against the unregistered plastic manufacturers in the State and ensure that carry bags less than 40 microns are not sold in the market. - All handlers of batteries may be brought under the PCBA's registration network and strict monitoring of collection of used batteries ensured.	Information of all hazardous waste generating industries, recyclers, co-processors, utilisers <i>etc.</i> is updated and maintained by PCBA. All the said information is compiled and forwarded to Central Pollution Control Board (CPCB) as Annual Report on or before 30th September every year. PCBA has initiated necessary steps for establishment of Common Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) in the State. For the purpose, the Board had issued Request for Proposal (RFP) for selection of developers for TSDF and has subsequently undertaken the bid process. LOI has been issued to selected bidder and further follow up action is being initiated. PCBA monitors all plastic manufacturing industries to ensure that plastic carry bags below thickness of 75 microns are not manufactured. All battery manufacturers and recyclers are required to obtain consent to operate from the Board. Recycling and manufacture of batteries are being monitored by the Board. PCBA also registers dealers of batteries and receive half yearly data on sale and collection of batteries.

Appendix –II
(Reference: Paragraph 1.8)

Number of auditable and audited units

Sl. No.	Department		Total number of auditable units	Total number of units due for audit during 2019-20	Units planned for audit during 2019-20	Units actually audited during 2019-20
1	Finance (Taxation)	Sales Tax	75	75	20	20
		Agricultural Income Tax				
2	Excise		52	52	24	23
3	Transport		54	54	30	30
4	Environment and Forests		94	94	14	14
5	Mines and Minerals (Geology and Mining)		3	3	2	2
6	Stamp Duty and Registration		82	82	41	39
Total			360	360	131	128

Appendix-III
(Reference: Paragraph 2.4.4)

Unit wise sample selected cases

(₹ in lakh)

Sl. No.	Unit Office	Refund cases selected under Pre Automation regime		Refund cases selected under Post Automation regime	
		No. of Cases	Amount involved	No. of Cases	Amount involved
1	GUWAHATI- A	2	4.47	2	35.03
2	GUWAHATI- B	28	188.70	9	659.34
3	GUWAHATI- C	17	55.64	14	111.97
4	GUWAHATI- D	21	650.16	22	776.56
5	DHUBRI	10	337.96	14	73.47
6	BONGAIGAON	9	84.89	6	132.87
7	SILCHAR	5	3.27	3	4.75
8	TINSUKIA	4	8.34	1	4.53
9	JORHAT	1	0.56	4	5.81
10	SIBSAGAR	3	2.85	3	16.84
11	MORIGAON	2	0.03	2	1.13
12	DIBRUGARH	2	4.56	1	9.00
13	DHEKIAJULI	1	0.96	1	0.46
14	DHEMAJI	1	0.01	1	4.91
15	GOALPARA	1	25.97	1	70.00
16	BARPETA	1	0.08	-	-
17	DIGBOI	1	0.22	-	-
18	DOOMDOOMA	1	0.15	-	-
19	NAGAON	1	0.16	-	-
20	TANGLA	2	0.26	-	-
21	GOLAGHAT	1	0.48	-	-
22	HAFLONG	1	0.77	-	-
23	KARIMGANJ	1	0.10	1	0.30
24	MANGALDOI	1	0.33	-	-
25	KOKRAJHAR	-		2	6.30
26	NAHARKATIA	-		2	2,488.87
27	DIPHU	-		4	3.80
28	HOJAI	-		2	0.67
29	TEZPUR	-		1	0.52
TOTAL		117	1,370.90	96	4,407.11

Appendix-IV
(Reference: Paragraph 2.4.6.1)

Statement showing refund cases with delay in issuance of acknowledgement (Pre-automation)

Sl. No.	Name of Audittee Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of filing Refund Application	Date of issue of acknowledgment in Form GST RFD-02	Refund amount claimed	Period of delay
1	Unit B	ZALONI TECHNOLOGIES INDIA PRIVATE LIMITED	18AAACZ2899R1Z6	AA180318000731J	12/21/2019	12/21/2019	1/22/2020	3285202	17
2	Unit B	ASSAM ALUMINIUM	18AARFA1978L1ZQ	AA180718130885P	12/3/2018	12/3/2018	1/3/2019	33276	16
3	Unit B	CENTURY LED LIMITED	18AACCC7275Q1ZX	AA180619003783Z	6/13/2019	6/13/2019	9/14/2019	1184856	78
4	Unit B	SANMATI UDYOG	18ABUPJ1707E1ZN	AA1805180120969	3/23/2019	3/23/2019	8/22/2019	33400	137
5	Unit B	ASSAM POLYMERS	18AATFA8358E2ZY	AA181218208127B	2/13/2019	2/13/2019	8/5/2019	527403	158
6	Unit B	PRINCE TYRES	18AASFP4792Q1ZY	AA180917201868N	12/7/2018	12/7/2018	2/8/2019	308903	48
7	Unit B	PODDAR TYRES	18AAHFP9288N1Z6	AA180419009090G	4/24/2019	4/24/2019	9/19/2019	1574	133
8	Unit D	HI-TECH CORPORATION	18AFRPP9172N1ZA	AA180919000593Z	9/3/2019	9/3/2019	11/20/2019	1624447	63
9	Unit D	UNILEVER INDIA EXPORTS LIMITED	18AAACI0991D1ZR	AA181017003781I	3/13/2019	3/13/2019	9/13/2019	50515	169
10	Unit D	UNILEVER INDIA EXPORTS LIMITED	18AAACI0991D1ZR	AA1811170049465	3/15/2019	3/15/2019	9/13/2019	4307616	167
11	Unit D	UNILEVER INDIA EXPORTS LIMITED	18AAACI0991D1ZR	AA1812170117674	3/18/2019	3/18/2019	9/13/2019	8748	164
12	Unit D	SWAPAN KUMAR GOGOI	18AGTPG2786N1ZH	AA1809190051552	9/13/2019	9/13/2019	10/22/2019	103000	24
13	Unit D	RAVI BROTHERS	18AAFFR6189N1ZC	AA180219144848P	6/6/2019	6/6/2019	10/1/2019	2558674	102
14	Unit D	KAMAKHYA INTERNATIONAL	18AMXPA9759R1ZN	AA180318211292G	11/7/2018	11/7/2018	7/16/2019	2228820	236
15	Unit D	Gee Traders	18ACOPG0340H1ZT	AA180619009664V	6/28/2019	6/28/2019	7/16/2019	1339270	3
16	Unit D	Gee Traders	18ACOPG0340H1ZT	AA180619009679K	6/28/2019	6/28/2019	7/16/2019	378070	3
17	Unit D	JAI BAJRANGBALI TRADERS	18GUGPK0493B1ZO	AA180719011608X	7/31/2019	7/31/2019	12/23/2019	476766	130
18	Unit D	MARUTI TRADERS	18AKGPK7676Q1Z4	AA180819006978F	8/20/2019	8/20/2019	10/20/2019	6465587	46
19	Bongaigaon	ALLIANCE MINERAL RESOURCES	18ABYPA3261C4ZO	AA1808190042339	8/12/2019	8/12/2019	10/15/2019	536636	49
20	Bongaigaon	M/S TIRUPATI ENTERPRISE	18ACHPA0578Q1Z7	AA1803180142868	3/8/2019	3/8/2019	6/28/2019	3993264	97
21	Bongaigaon	R.P. TRADE PVT LTD	18AABCR6675G1Z2	AA1801191312983	3/27/2019	3/27/2019	6/15/2019	1161725	65
22	Bongaigaon	R. P. SUPPLY SYNDICATE	18ADAPA0685Q2ZB	AA180119131303K	3/27/2019	3/27/2019	6/3/2019	192092	53
23	Dhubri	ABDUR RASHID BEPARI	18BRBPB5957J1ZL	AA181217000723J	12/27/2018	12/27/2018	3/15/2019	6450	63
24	Dhubri	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA180818138481V	2/6/2019	2/6/2019	5/20/2019	333568	88
25	Mangaldoi	DEKA ENTERPRISES	18BJRPD3552P1ZK	AA1805190107270	5/30/2019	5/30/2019	9/11/2019	33120	89
26	Morigaon	JIMPI ENTERPRISE	18AEXPH5718P1ZI	AA1807190021963	7/5/2019	7/5/2019	9/16/2019	1840	58
27	Morigaon	JIMPI ENTERPRISE	18AEXPH5718P1ZI	AA180719002199X	7/5/2019	7/5/2019	9/16/2019	1140	58
28	Silchar	Hindustan Commercial Agency	18AAHFP7233H1ZA	AA1806190034257	6/12/2019	6/12/2019	6/28/2019	17196	1
29	Doomdooma	M/s System & Trade	18AWRPS9600B1Z8	AA1806190045238	6/15/2019	6/15/2019	10/16/2019	15132	108
30	Golaghat	Laxmi Stores	18BAWPS5903D1Z9	AA180819006160C	8/18/2019	8/18/2019	11/18/2019	48000	77
31	Sivasagar	M/S D. S. ASSOCIATE	18ALPPD353Q1ZH	AA1806190092271	6/27/2019	6/27/2019	9/19/2019	34067	69
32	Sivasagar	M/S D. S. ASSOCIATE	18ALPPD353Q1ZH	AA180619010521E	6/30/2019	6/30/2019	9/19/2019	10453	66

Appendix-V
(Reference: Paragraph 2.4.6.1)

Statement showing the details of refund cases with delay in issuing acknowledgement of applications (Post-Automation)

Sl. No.	Name of Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of issue of acknowledgment in Form GST RFD-02	Refund amount claimed	Period of delay
1	BONGAIGAON	UTTAM BRAHMA	18CVRPB1406K1ZI	AA181019003645C	16-10-2019	08-01-2020	17400	69
2	DHUBRI	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA181019001594D	09-10-2019	24-04-2020	136246	183
3	DHUBRI	SOCIAL WORKS	18AACAS6585R2ZF	AA1810190105687	24-10-2019	21-12-2019	40678	43
4	DHUBRI	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA1811190133983	11-11-2019	21-12-2019	1422651	25
5	DHUBRI	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA1811190137183	11-11-2019	21-12-2019	437136	25
6	DHUBRI	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA1812190008069	03-12-2019	21-12-2019	1386939	3
7	DHUBRI	ABDULLA MIAH	18AZFPM6357C1ZA	AA180120002492Y	07-01-2020	04-02-2020	254271	13
8	GUWAHATI - A	UM GREEN LIGHTING PVT. LTD	18AABCU2552P2ZV	AA1812190034858	07-12-2019	26-12-2019	3383101	4
9	GUWAHATI-B	JPA SNACKS PVT LTD	18AADJC8786C1Z8	AA181019000989X	04-10-2019	29-10-2019	217000	10
10	GUWAHATI-B	SAINIK INDUSTRIES PRIVATE LTD.	18AAJCS1629P1ZQ	AA181219000185H	02-12-2019	21-12-2019	60000000	4
11	GUWAHATI-B	PARAMANANDA SINGHAL AND SONS	18AAEHM7498E1ZR	AA181119002535E	04-11-2019	04-01-2020	550878	46
12	GUWAHATI-D	UNILEVER INDIA EXPORTS LIMITED	18AAACI0991D1ZR	AA1811190105198	08-11-2019	24-12-2019	14534	31
13	GUWAHATI-D	BIOGENE SCIENTIFIC	18EUBPS9170Q1ZK	AA180220004527P	10-02-2020	03-03-2020	278510	7
14	GUWAHATI-D	NAVA AYUSH FRAGRANCES (UNIT - 2)	18AKYPD2803Q4ZF	AA181219003614D	07-12-2019	30-12-2019	143433	8
15	GUWAHATI-D	ASSAM GRAMIN VIKASH BANK	18AAAAA7147H2ZS	AA180220004790S	10-02-2020	29-02-2020	521189	4
16	JALUKBARI	BAHUBALI ENTERPRISES	18AUTPJ2296G1Z3	AA181119006116I	06-11-2019	05-12-2019	705960	14
17	JALUKBARI	BAHUBALI ENTERPRISES	18AUTPJ2296G1Z3	AA1811190315169	19-11-2019	05-12-2019	2889199	1
18	JORHAT	SIDDHANT LOGISTICS	18AAGHA8558P1ZJ	AA1812190094068	21-12-2019	10-02-2020	140670	36
19	JORHAT	SIDDHANT LOGISTICS	18AAGHA8558P1ZJ	AA181219009442C	21-12-2019	05-02-2020	81194	31
20	NAHARKATIA	OIL INDIA LIMITED	18AAACO2352C1ZW	AA1811190351783	25-11-2019	24-12-2019	244163204	14
21	BONGAIGAON	CHAWLA INTERNATIONAL	18AABFC5442M4Z8	AA1810190037864	16-10-2019	03-03-2020	7668197	124

Appendix-VI
(Reference: Paragraph 2.4.6.2)

Delay in sanction of refund order (Interest due-paid/not paid) Pre-automation

Sl. No.	Name of Audittee Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of Acknowledgement	Date of order in Form GST RFD-06	Refund amount claimed	Refund amount sanctioned	Period of delay	Interest due paid	Interest due not paid
1	Unit B	ZALONI TECHNOLOGIES INDIA PRIVATE LIMITED	18AAACZ2899R1Z6	AA180318000731J	21-12-2018	22-01-2019	02-08-2019	32,85,202	24,23,710	132	0	52591.19 ¹⁷³
						22-01-2019	01-10-2020		9,70,764	558	0	89044.33 ¹⁷⁴
2	Unit B	DARSHAN INTERNATIONAL	18AAAFD8126A1ZX	AA180818143398L	12-03-2019	12-03-2019	13-05-2019	1,35,055	1,35,055	2	0	44.40
3	Unit B	DARSHAN INTERNATIONAL	18AAAFD8126A1ZX	AA180918036439L	13-03-2019	13-03-2019	13-05-2019	11,67,389	11,67,389	1	0	191.90
4	Unit B	CENTURY LED LIMITED	18AACCC7275Q1ZX	AA180619003783Z	13-06-2019	14-09-2019	16-11-2019	11,84,856	11,84,856	3	0	584.31
5	Unit B	ASSAM POLYMERS	18AATFA8358E2ZY	AA180619004687S	15-06-2019	15-06-2019	19-10-2020	6,20,722	6,20,722	432	0	44079.77
6	Unit B	ASSAM POLYMERS	18AATFA8358E2ZY	AA180819009466R	26-08-2019	26-08-2019	19-10-2020	10,13,222	10,13,222	360	0	59960.53
7	Unit B	ASSAM POLYMERS	18AATFA8358E2ZY	AA180919007748J	21-09-2019	21-09-2019	19-10-2020	11,22,762	11,22,762	334	0	61644.25
8	Dhubri	JABBAR ALI	18BBGPA8170H1ZO	AA180718023401D	10-04-2019	10-04-2019	28-06-2019	76,387	76,387	19	0	238.58
9	Dhubri	M/S KEDIAS EXPORTS INTERNATIONAL	18DESPK2459N1ZL	AA180919005981R	16-09-2019	16-09-2019	18-12-2019	2,11,400	2,11,400	33	0	1146.77
10	Dhubri	M/S TAMSER ALI	18AYTPA0971D1ZG	AA1803182153368	07-12-2018	07-12-2018	28-06-2019	13,550	13,550	143	0	318.52
11	Dhubri	M/S ANOWARUL HOQUE SARKAR	18CKDPS6541P1ZD	AA1803180286228	04-04-2019	04-04-2019	04-07-2019	37,637	37,637	31	0	191.79
12	Dhubri	M/S ANOWARUL HOQUE SARKAR	18CKDPS6541P1ZD	AA181218246427Z	05-04-2019	05-04-2019	04-07-2019	8,68,708	8,68,708	30	0	4284.04
13	Silchar	HINDUSTHAN COMMERCIAL AGENCY	18AAHFH7233H1ZA	AA1806190034257	12-06-2019	28-06-2019	18-09-2019	17,196	17,196	22	0	62.19
14	Dibrugarh	M/S SINENSIS TEA COMPANY	18AIEPB3828P1ZZ	AA180318035916W	25-05-2019	25-05-2019	27-09-2019	4,44,501	4,44,501	65	0	4749.46
15	Dibrugarh	M/S KHAGEN GOGOI	18AXPPG8274L1ZN	AA181218001635D	07-12-2018	07-12-2018	11-09-2019	11,700	11,700	218	0	419.28
Total												3,19,551.30

¹⁷³ Case was filed in central Jurisdiction and sanctioned by central authority with delay

¹⁷⁴ The central authority sent the sanction order to state authority on 07.08.2019 for payment of SGST part but payment was made with delay

Appendix-VII
(Reference: Paragraph 2.4.6.2)

Statement showing the details of refund cases with delay in sanction of refund and Interest due-(paid/not paid) Post-automation

Sl. No.	Name of Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of order in Form GST RFD-06	Date of order in Form GST RFD-05	Refund amount claimed	Refund amount sanctioned	Period of delay	Interest due paid	Interest due not paid
1	BONGAIGAON	UTTAM BRAHMA	18CVRPB1406K1ZI	AA181019003645C	16-10-2019	05-03-2020	05-03-2020	17,400	17,400	81	0	232
2	DHUBRI	M/S SREE MAHABIR FRAGRANCES (INDIA)	18AAHHP1658J1ZS	AA181019001594D	09-10-2019	24-04-2020	24-04-2020	1,36,246	1,36,246	138	0	3,091
3	DHUBRI	SOCIAL WORKS	18AACAS6585R2ZF	AA1810190105687	24-10-2019	31-12-2019	31-12-2019	40,678	40,678	8	0	53
4	DHUBRI	M/S ROBIUL ISLAM SHEIKH	18CBJPS6597Q1Z8	AA181019011179B	24-10-2019	07-01-2020	07-01-2020	29,644	29,644	15	0	73
5	GUWAHATI-B	JPA SNACKS PVT LTD	18AADJC8786C1Z8	AA181019000989X	04-10-2019	06-02-2020	06-02-2020	2,17,000	2,17,000	65	0	2,319
6	GUWAHATI-B	PARAMANANDA SINGHAL AND SONS	18AAEHM7498E1ZR	AA181119002535E	04-11-2019	04-01-2020	04-01-2020	5,50,878	5,50,878	1	0	91
7	GUWAHATI-C	TECH-CONNECT RETAIL PRIVATE LIMITED	18AAICA4872D1ZN	AA1810190137367	25-10-2019	06-01-2020	06-01-2020	3,65,673	3,65,673	13	0	781
8	GUWAHATI-D	UNILEVER INDIA EXPORTS LIMITED	18AAACI0991D1ZR	AA1811190105198	08-11-2019	27-01-2020	27-01-2020	14,534	14,534	20	0	48
9	GUWAHATI-D	BREYA	18AAOCA3815A1ZY	AA181219012257A	26-12-2019	06-05-2020	06-05-2020	7,98,148	7,98,148	72	0	9,447
10	KARIMGANJ	JUPITER INFRACON ASSOCIATES ENTERPRISE	18AAJFJ8316K2ZW	AA180120005836L	13-01-2020	08-07-2020	08-07-2020	30,000	30,000	117	0	577
11	MORIGAON	ABUL KASHEM	18ALBPK1248C1ZK	AA181019004073O	17-10-2019	19-06-2020	19-06-2020	13,000	13,000	186	0	397
12	BONGAIGAON	CHAWLA INTERNATIONAL	18AABFC5442M4Z8	AA1810190037864	16-10-2019	03-03-2020	03-03-2020	76,68,197	76,68,197	79	0	99,582
Total												1,16,690

Appendix-VIII
(Reference: Paragraph 2.4.6.3(II))

Statement showing the detail debit -credit entries in ECL of M/s Zaloni Technologies India Private Limited

(₹ in lakh)

Sl. No.	Date	Description		IGST	CGST	SGST	Total	Remarks
1	12/21/2018	Refund claimed by debiting ITC in ECL	Debit	6.19	13.33	13.33	32.85	Refund application
2		Refund sanctioned		4.82	9.71	9.71	24.24	IGST & CGST amount deposited to claimant bank Account
3		Refund to be credited back to credit ledger	(1-2)	1.37	3.62	3.62	8.61	Difference of Refund sanction amount and Refund claimed amount
4	11/27/2019	Refund credited to ECL	credit	6.19	13.33	13.33	32.85	Amount credited to ECL due to rejection of Refund sanctioned by the Central Tax Authority
5	10/1/2020	Refund claimed debited in ECL	Debit	6.19	13.33	0	19.52	IGST & CGST debited
6	10/1/2020	Refund credited in ECL	Credit	1.37	3.62	0	4.99	IGST & CGST credited
SGST excess credited to the Electronic credit Ledger						9.71		
						(4 -3)		

Appendix-IX
(Reference: Paragraph 2.4.6.3(III))

Statement showing the excess grant of refund due to short consideration of adjusted total turnover

Details of the dealer	Adjusted Turnover determined by STA	Actual Adjusted Total Turnover as per GSTR-3B	Refund Sanctioned	Refund to be sanctioned considering Actual Adjusted TO	Excess Grant of Refund	Remarks
M/S BHARAM JODHRAJ GSTIN-18AABFB6682L3Z0 ARN- AA180320009305S Date-21-03-2020 PERIOD- 2019-20 Jurisdiction- Circle 05 of ACT, Unit -C Guwahati	4,09,93,845	4,71,47,915	26,00,000	22,62,316 (2,44,86,630 x 43,55,988/ 4,71,47,915)	3,37,684	2,44,86,630- Zero rated Supply as per RFD-01 43,55,988- Net ITC as per RFD-01

Details of Adjusted Total Turnover as per GSTR-3B

Month	Adjusted Total Turnover
Oct-19	1,87,53,061
Nov-19	1,55,56,591
Dec-19	1,28,38,263
Total	4,71,47,915

Appendix-X
(Reference: Paragraph 2.4.6.3 (VI))

Details of invoices furnished by claimant and invoice reflected in GSTR-2A

Sl. No.	Invoice No.	Invoice Date	IGST	CGST	SGST	Cess
JABBAR ALI ARN-AA180718023401D						
1	JMDT/18-19/135	4/10/2018	0	4438	4438	10144
2	AE/17-18/0524	4/8/2018	0	2752	2752	8808
3	AE/17-18/0525	4/8/2018	0	2730	2730	8736
4	AE/17-18/0526	4/8/2018	0	3381	3381	10820
TOTAL				13301	13301	38508
SAHIDUL ISLAM MONDAL ARN-AA180319192298M						
1	SSCD/18-19/036	9/21/2018	0	3443	3443	10200
2	110	9/25/2018	0	5600	5600	8960
3	SSCD/18-19/023	9/13/2018	0	3510	3510	10400
4	SKM/621/2018-19	11/25/2018	0	3255	3255	8680
5	UE/18-19/0061	11/26/2018	0	3267	3267	8712
6	SKM/186/2018-19	12/13/2018	0	4260	4260	11360
7	SKM/247/2018-19	12/18/2018	0	3995	3995	10652
8	SE/18-19/01	1/1/2019	0	3309	3309	8824
9	NCT/558/18-19	1/15/2019	0	3774	3774	9984
10	PLE/18-19/1	1/26/2019	0	3254	3254	9176
11	AST/18-19/1518	3/25/2019	0	2600	2600	6400
12	AST/18-19/1519	3/31/2019	0	1970	1970	4848
13	AST/18-19/1514	3/21/2019	0	3331	3331	8200
14	ATC/17-18/005	1/22/2018	0	1961	1961	8964
15	ATC/17-18/006	1/22/2018	0	2330	2330	10652
16	ATC/17-18/013	2/15/2018	0	1965	1965	8984
17	NNE/17-18/002	1/24/2018	0	3737	3737	10872
18	558	1/15/2019	0	3744	3744	9984
19	GST/18-19/001	10/13/2018	0	3497	3497	0
TOTAL				62801	62801	165852
TAMSHER ALI ARN-AA1803182153368						
	NIL	NIL	NIL	NIL	NIL	NIL

Appendix-XI
(Reference: Paragraph 2.4.6.3(VI))

Statement showing the grant of refund on accumulated ITC not supported by invoices

Details of the dealer	Net ITC + CESS determined by proper officer while calculating refund as per formula	Actual Net ITC + CESS as per GSTR-2A	Refund Sanctioned by the PO	Refund to be sanctioned considering Actual ITC	Excess Grant of Refund (ITC & Cess)	Remarks
ABDUL KHALEK MONDAL, GSTIN-18BCPPM6468Q2ZC ARN-AA180620003588A Date-10.06.2020; PERIOD-2019-20 Jurisdiction-Circle 01 of ACT, Dhubri	125344 (43756 +81588)	77409 (27485+ 49924)	125344 (43756 + 81588)	77409 (27485+49924) {685415x77409/685415}	47935 (16271+31664)	Zero rated supply - 6,85,415/- (As per GSTR-3B)
SAHIDUL ISLAM MONDAL, GSTIN-18AVQPM3704J1Z7 ARN- AA180620003286K, Date-09-06-2020 PERIOD- 2019-20 Jurisdiction- Circle 03 of ACT, Dhubri	35907 (143496+215578)	2514 (2514+0)	359074 (143496+ 215578)	2514 (32,61,032x2514/32,61,032)	356560 (140982+215578)	Zero rated supply & Adj TO- 32,61,032 (As per GSTR-3B)
Total Excess Refund			4,84,418	79,923	4,04,495	
Invoice details as per GSTR-2A of ABDUL KHALEK MONDAL GSTIN-18BCPPM6468Q2ZC				Invoice details as per GSTR-2A of SAHIDUL ISLAM MONDAL GSTIN-18AVQPM3704J1Z7		
Month	Taxable Value	TAX	CESS	INPUT	TAX	CESS
Apr-19	0	0	0	0	0	0
May-19	0	0	0	0	0	0
Jun-19	272757	13637	17924	0	0	0
Jul-19	0	0	0	0	0	0
Aug-19	0	0	0	0	0	0
Sep-19	0	0	0	0	0	0
Oct-19	0	0	0	0	0	0
Nov-19	55000	2750	4400	0	0	0
Dec-19	117000	5850	15600	0	0	0
Jan-20	0	0	0	0	0	0
Feb-20	105000	5248	12000	0	0	0
Mar-20	0	0	0	8984	2514	0
TOTAL	5,49,757	27,485	49,924	8,984	2,514	0

Appendix-XII

(Reference: Paragraph 2.4.6.4(III))

Statement showing excess grant of refund due to wrong adjusted Total Turnover under Inverted Duty Structure

(Amount in ₹)

Details of the dealer	Adjusted Turnover determined by proper officer while calculating refund as per formula	Actual Adjusted Total Turnover as per GSTR-3B should be	Refund Sanctioned by the PO	Refund to be sanctioned considering Actual Adjusted TO	Excess Grant of Refund
1	2	3	4	5	6=(4-5)
NAVA AYUSH FRAGRANCES (UNIT - 2) GSTIN-18AKYPD2803Q4ZF ARN - AA181219003614D, Date- 07.12.2019 PERIOD-January 2018 to March 2018 Jurisdiction-Circle 7 of ACT, Unit-D Guwahati	29,50,060	31,75,254	1,43,433	1,22,798 ((29,50,060 x 2,90,936/31,75,254) - 1,47,503)	20,635
Total excess grant of Refund					20,635

Appendix-XIII
(Reference: Paragraph 2.4.6.6(I))

Details of sanctioned Refund case against which SGST amount remained unpaid

Sl. No.	Name of Audittee Unit	Name of the taxpayer	Nature/Category of refund	ARN	ARN Date	GSTIN	Date of order in Form GST RFD-06/04	Amount Sanctioned					Payment Status
								IGST	CGST	SGST	Cess	TOTAL	
1	Unit-B	ASSAM	INVITC	AA180819009466R	8/26/2019	18AATFA8358E2ZY	26-08-2019	958912	27155	27155	0	1013222	Not yet paid
2	Unit-B	POLYMERS	INVITC	AA180919007748J	9/21/2019	18AATFA8358E2ZY	21-09-2019	1011904	55429	55429	0	1122762	
3	Unit-B	SANMATI UDYOG	INVITC	AA1805180120969	3/23/2019	18ABUPJ1707E1ZN	23-03-2019	0	0	33400	0	33400	Not yet paid
4	Unit-C	SAVAN RETAILERS PRIVATE LIMITED	EXBCL	AA1801190058471	1/19/2019	18AAXCS8712M1ZC	1/19/2019	38603	44277	44277	0	127157	Not yet paid
5	Unit-C	CONSULTING ROOMS PRIVATE LIMITED	EXBCL	AA180119005849X	1/19/2019	18AAGCC4236P1Z8	1/19/2019	71621	51489	51489	0	174599	Not yet paid
6	Bongaigaon	BUSINESS AUXILIARIES	EXBCL	AA180619006918P	6/21/2019	18AAFFJ5439B1ZI	6/21/2019	0	6000	6000	0	12000	Not yet paid
7	Bongaigaon	ALLIANCE MINERAL RESOURCES	EXPWOP	AA1808190042339	08-12-2019	18ABYPA3261C4ZO	08-12-2019	160242	7251	7251	361892	174744	Not yet paid
8	Bongaigaon	M/S TIRUPATI ENTERPRISE	EXPWOP	AA1803180142868	03-08-2019	18ACHPA0578Q1Z7	03-08-2019	400000	1300000	1300000	993264	3000000	Not yet paid
9	Bongaigaon	R.P.TRADE PVT LTD	EXPWOP	AA1801191312983	3/27/2019	18AABCR6675G1Z2	3/27/2019	374625	93750	93750	599600	562125	Not yet paid
10	Bongaigaon	R. P. SUPPLY SYNDICATE	EXPWOP	AA180119131303K	3/27/2019	18ADAPA0685Q2ZB	3/27/2019	0	281664	281664	728764	563328	Not yet paid
11	Dhubri	JABBAR ALI	EXPWOP	AA180718023401D	04-10-2019	18BBGPA8170H1ZO	04-10-2019	11275	13302	13302	38508	368633	Not yet paid
12	Dhubri	M/S ANOWARUL	EXPWOP	AA1803180286228	04-04-2019	18CKDPS6541P1ZD	04-04-2019	0	9604	9604	18429	178581	Not yet paid
13	Dhubri	HOQUE SARKAR	EXPWOP	AA181218246427Z	04-05-2019	18CKDPS6541P1ZD	04-05-2019	325558	30057	30057	483036	4313483	
14	Dhubri	SAHIDUL ISLAM MONDAL	EXPWOP	AA180319192298M	05-05-2019	18AVQPM3704J1Z7	05-05-2019	0	267511	267511	201488	3415039	Not yet paid
15	Mangaldoi	Deka Enterprises	EXBCL	AA1805190107270	5/30/2019	18BJRPD3552P1ZK	5/30/2019	0	16560	16560	0	33120	Not yet paid
16	Silchar	Hindusthan Commercial Agency	EXBCL	AA1806190034257	06-12-2019	18ADRPD9628C1Z9	06-12-2019	0	8598	8598	0	17196	Not yet paid
17	Karimganj	Anima Medical Hall	EXBCL	AA1806190026634	06-10-2019	18AULPC6497L1ZW	06-10-2019	0	4850	4850	0	9700	Not yet paid
18	Golaghat	Laxmi Store	EXBCL	AA180819006160C	8/18/2019	18BAWPS5903D1Z9	8/18/2019	0	24000	24000	0	48000	Not yet paid

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of Audittee Unit	Name of the taxpayer	Nature/ Category of refund	ARN	ARN Date	GSTIN	Date of order in Form GST RFD-06/04	Amount Sanctioned					Payment Status
								IGST	CGST	SGST	Cess	TOTAL	
19	Jorhat	M/S A. Z. ENTERPRISE LTD.	EXBCL	AA180919003666R	09-10-2019	18AMUPK6590P1ZT	09-10-2019	0	27810	27810	0	55620	Not yet paid
20	Sivasagar	M/s UMESH Ch. BORA	EXBCL	AA181118005522K	11/21/2018	18AHYPS6917R1ZT	11/21/2018	0	120000	120000	0	240000	Not yet paid
21	Dibrugarh	M/s Sinensis Tea Company	EXPWOP	AA180318035916W	5/25/2019	18AIEPB3828P1ZZ	5/25/2019	341371	51565	51565	0	444501	Not yet paid
22	Dibrugarh	M/s Khagen Gogoi	EXBCL	AA181218001635D	12-07-2018	18AXPPG8274L1ZN	5/25/2019	0	5850	5850	0	11700	Not yet paid
23	Dhubri	ABDUR RASHID BEPARI	EXPWOP	AA181217000723J	12/27/2018	18BRBPB5957J1ZL	3/15/2019	0	3225	3225	0	6450	Not yet paid
24	Dhubri	M/S KEDIAS EXPORTS INTERNATIONAL	EXBCL	AA180919005981R	9/16/2019	18DESPK2459N1ZL	12/18/2019	0	105700	105700	0	211400	Not yet paid
Total										25,89,047			

Appendix-XIV
(Reference: Paragraph 2.4.6.6(III))

Abnormal delay in communicating refund orders to central tax authority

Sl. No.	Name of the Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of issue of Refund Sanction Order in Form GST - RFD-06	Total Amount of Refund sanctioned			Total	Date of forwarding of refund order related to IGST/CGST/Cess from the State nodal officer to the Central Nodal officer	Delay in forwarding from state nodal officer to the central authority
							IGST	CGST	Cess			
1	Unit-A	AB Chemicals	18AHSPB7521L1ZY	AA180318005127F	3/18/2018	7/3/2018	6025	2250	0	8275	12/19/2018	162
2	Unit-A	Azury Communication	18ACQPB1845A2ZX	NA	NA	11/21/2019	0	77269	0	77269	12/11/2020	350
3	Unit-A	M/S N.C.KALITA	18AJOPK0257E1Z8	AA1807190090843	NA	11/21/2019	0	219577	0	219577	12/11/2020	350
4	Unit-B	M/s Assam Polymers	18AAFFA8358E2ZY	AA181018020419C	2/12/2019	2/28/2019	1631925	0	0	1631925	3/28/2019	21
5	Unit-C	ELECTRO FRIGO	18AEXPC8784N1ZB	AA180218000218J	NA	6/13/2018	0	85578	0	85578	8/13/2018	54
6	Unit-C	K. D. STORE	18ANFPG9243D1Z3	AA180518002421F	NA	8/1/2018	0	36642	0	36642	8/21/2018	13
7	Unit-C	SWAGOTA HOTEL & RESURTS	18ACDFS6411N1ZS	NA	NA	7/29/2019	0	352237	0	352237	11/21/2019	108
8	Unit-C	AASTHA HI TECH ENTERPRISE	18AKMPR6953K1Z9	AA181217007283G	NA	5/14/2018	24089	0	0	24089	5/28/2018	7
9	Unit-C	REETI DRUGS & SURGICALS	18AANFR4072L1ZM	AA181218002257E	12/10/2018	2/6/2019	0	0	28024	28024	2/17/2019	4
10	Unit-C	BHUPENDRA & CO	18AABFB8121G1ZR	AA181117012576A	NA	6/5/2018	0	2000	0	2000	6/22/2018	10
11	Unit-C	MONUJ BORUAH	18AXRPB9770A2Z9	AA181218000086J	12/1/2018	12/10/2018	10278	9369	0	19647	12/27/2018	10
12	Unit-C	KISHORE KUMAR SARMA	18AZZPS0365G3ZM	AA180118005932C	1/19/2018	6/15/2018	0	3200	0	3200	6/28/2018	6
13	Unit-D	M G Enterprise	18AJRPB7769D1ZT	NA	NIL	4/23/2018	0	39514	0	39514	5/16/2018	16
14	Unit-D	Bonsai Enterprise	18AQYPB1556E1ZP	NA	NIL	4/25/2018	0	3200	0	3200	5/16/2018	14
15	Silchar	AJOY PAUL	18APGPP2743E1ZW	AA181217003200Y	NA	1/31/2018	0	0	14300	14300	8/3/2018	177
16	Silchar	DEBASISH DUTTA	18AHLPD6418P1ZT	AA1801180068167	NA	7/26/2018	0	3800	0	3800	8/3/2018	1
17	Silchar	KHAIRUL ALAM MAZUMDER	18AVGPM4519H1ZF	AA1807180042664	NA	2/8/2018	0	2100	0	2100	8/3/2018	169
18	Silchar	ALOK PAUL	18AUHPP7409B1ZM	AA1804180071776	NA	9/18/2018	0	1100	0	1100	9/29/2018	4
19	Silchar	SREEMA STONE CRUSHER	18AAJFS8880R1ZX	AA1811170128491	NA	9/13/2018	0	6303	0	6303	9/29/2018	9
20	Silchar	SWAPAN CHAKRABARTY	18AEKPC1530R1ZA	AA180519011095A	NA	9/18/2019	0	454225	0	454225	9/27/2019	2
21	Silchar	MAZUMDER HARDWARE ENTERPRISE	18ARUPM5536E1ZC	NA	NA	8/10/2018	0	5250	0	5250	8/18/2018	1
22	Silchar	PAWAN AUTOMOBILES	18AABCP1164E1ZQ	AA180419002470H	NA	5/16/2019	0	3300	0	3300	9/21/2019	121
23	Silchar	PRASENJIT GHOSH	18AGZPG4473G1ZU	AA1807180042648	NA	3/12/2019	0	7240	0	7240	4/24/2019	36
24	Silchar	RUTTONPORE PLANTATIONS PRIVATE LIMITED	18AABCR1873N1ZX	AA180218003723F	NA	5/1/2018	0	0	88789	88789	7/9/2018	62

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the Unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of issue of Refund Sanction Order in Form GST - RFD-06	Total Amount of Refund sanctioned			Total	Date of forwarding of refund order related to IGST/CGST/Cess from the State nodal officer to the Central Nodal officer	Delay in forwarding from state nodal officer to the central authority
							IGST	CGST	Cess			
25	Silchar	S S INDUSTRIES	18AAXFS6939H1Z8	AA180818006565W	NA	8/28/2018	0	3360	0	3360	9/29/2018	25
26	Silchar	RAJ KUMAR DUBEY	18AKYPD4173D1ZY	AA181217005326G	NA	6/1/2018	0	10865	0	10865	7/12/2018	34
27	Silchar	SUJIT KUMAR DEY	18APVPD1486R2ZV	AA1801190056194	NA	4/3/2019	0	88324	0	88324	4/24/2019	14
28	Barpeta	SHAH ALAM	18AXEPA3233G1ZY	AA180718009825T	7/28/2018	3/8/2018	0	800000	0	800000	6/12/2019	454
29	Barpeta	NEKI BAID	18AIHPB5361L2Z3	AA1802190072982	2/22/2019	9/25/2019	0	553885	553885	1107770	12/19/2019	78
30	Barpeta	DIMBESWAR DEKA	18ARBPD1971H1ZZ	AA1807180081191	7/24/2018	10/1/2019	0	5000	5000	10000	11/14/2019	37
31	Nagaon	SATYAM PLASTO TECH	18ABSFS8472MIZO	AA180218007134K	2/21/2018	6/15/2018	0	185075	362	185437	6/27/2018	5
32	Tangla	Puja Motor	18AQBPD6024E1ZD	AA1812170009095	NA	6/13/2018	0	3700	3700	7400	7/2/2018	12
33	Tangla	Bijoy Kundu	18ASEPK9647F1ZE	AA1801180088438	NA	7/4/2018	0	3400	3400	6800	12/6/2018	148
34	Tangla	Sneha Enterprise	18BBKPP5449N1ZS	AA1812170048754	NA	7/4/2018	0	3400	3400	6800	10/15/2018	96
35	Tangla	S M Hardware	18ASVPD7828C1ZF	AA1801180088719	NA	8/16/2018	0	3600	3600	7200	10/15/2018	53
36	Tangla	Annapurna Bhandar	18AHSFS8641L1ZA	AA1801180088355	NA	8/16/2018	0	3600	3600	7200	12/6/2018	105
37	Tangla	Brahmaputra Electric	18AFNPB6212R1ZI	AA1801180088371	NA	9/14/2018	0	3200	3200	6400	12/6/2018	76
38	Mangaldoi	Marion Begum	18APSPB9561L2Z4	AA180118001026R	4/1/2018	7/7/2018	0	440	440	880	9/7/2018	55
39	Haflong	Ferminos Electronics & IT Solution	18ANYPJ6824G1ZE	AA180819009905P	NA	9/16/2019	0	3400	0	3400	9/29/2019	6
40	Jorhat	SANJIB KUMAR AGARWAL	18AFRPA9581N3ZI	AA1802180067638	2/20/2018	6/14/2018	0	168334	9257	177591	6/28/2018	7
41	Jorhat	MANOJ BORA	18AHYPB8237H1ZU	AA180118008520M	1/28/2018	5/7/2018	0	3300	0	3300	7/6/2018	53
42	Jorhat	BHARTIA AGENCIES	18ATYPA9395B1Z5	AA181217000333Q	12/1/2017	5/7/2018	0	3300	0	3300	7/6/2018	53
43	Jorhat	VIJAY KUMAR JAJODIA	18ABYPJ1633P1ZV	AA180118008512J	1/28/2018	5/7/2018	0	3600	0	3600	7/6/2018	53
44	Jorhat	M/S DHANSHREE TEA INDUSTRIES	18AAEFD6424B1ZU	AA1802180073495	2/22/2018	6/13/2018	0	0	6023	6023	6/28/2018	8
45	Jorhat	CHIRANJILAL AGARWAL	18ABPA6977E1ZD1	AA1801180029755	1/10/2018	6/14/2018	1200	0	0	1200	6/28/2018	7
46	Jorhat	SUBHASH KUMAR DEY	18AGVPD1209M1Z4	AA180618003043J	6/9/2018	3/7/2018	0	15000	0	15000	7/3/2018	111
47	Jorhat	M/S AMBIKA STATIONERS	18AFGPA2920L1ZM	AA181217005698Z	12/18/2017	4/7/2018	0	21339	0	21339	7/4/2018	81
48	Jorhat	DULAL KANTI DEWANJI	18ACGPD4803L1ZN	AA181218207503E	2/12/2019	1/10/2019	0	1125	0	1125	10/1/2019	257
49	Jorhat	SUMANTA BORA	18APSPB1236J1ZT	AA180419004352F	4/12/2019	1/10/2019	0	2700	0	2700	10/1/2019	257
50	Jorhat	NOVA AUTOMOBILE(DILIP BARUAH)	18ACOPB6543K1ZA	AA180218003912E	2/12/2018	10/10/2018	161281	0	0	161281	12/3/2018	47
51	Jorhat	MONIMALA RAJKHOWA DUTTA	18APEPD9762P2Z5	AA180119010167G	NA	2/15/2019	0	3427150	0	3427150	7/19/2019	147
52	Jorhat	ANIL KUMAR GATTANI	18ACQPG7439P1ZO	AA180618002204I	NA	6/7/2018	0	400	400	800	8/8/2018	55
53	Golaghat	M/S Karni trading	18AAMFK7691K1ZH	AA1812170085673	12/26/2017	6/7/2018	0	0	27394	27394	7/12/2018	28
Total										92,21,223		

Appendix-XV
(Reference: Paragraph 2.4.6.6(III))

Statement showing the details of cases with delay in communicating refund orders from central tax authority

Sl. No.	Name of the unit	Name of the assessee	GSTIN	ARN	ARN Date	Date of issue of Refund Sanction Order in Form GST - RFD-06	Amount of SGST Refund sanctioned	Date of forwarding refund order to nodal officer of counterpart tax authority	Date of Payment to the Assessee	Delay in forwarding
1	Unit-D	North East Carriers Pvt. Ltd.	18AADCN2143F1ZR	NA	NA	22-03-2018	1823	27-04-2018	NA	29
2	Unit-D	Binod Lama	18ACZPL2589E1ZW	NA	NA	05-09-2019	3000	16-10-2019	NA	34
3	Unit-D	BLA-SGCCL(JV)	18AABAD8851A120	NA	NA	20-06-2019	1934977	09-12-2019	NA	165
4	Unit-D	Unicef	1817UN0000IUN4	NA	NA	20-11-2019	134627	09-12-2019	NA	12
5	Unit-D	Unicef	1817UN0000IUN4	NA	NA	20-06-2019	104848	09-12-2019	NA	165
6	Unit-D	TRAVELOGY HOLIDAYS PVT LTD	18AAFCT1712L1Z9	NA	NA	05-11-2019	150000	04-12-2019	NA	22
7	Dhubri	SRI NUR ISLAM PARAMANIK	18BYHPP5940E1Z7	NA	NA	23-02-2019	40907	17-04-2019	6/12/2019	46
8	Tinsukia	M/s Digboi Cabon	18AACCD2107L1ZT	NA	NA	08-05-2018	3550000	05-07-2018	NA	51
9	Tinsukia	M/s Bharat Engineering Works	18AAMFB4918J1Z4	AA180118012035P	NA	27-05-2019	17410	13-01-2020	NA	224
10	Tinsukia	M/s Bharat Engineering Works	18AAMFB4918J1Z5	NA	NA	06-08-2019	2679	26-02-2020	NA	197
11	Dibrugarh	Nomita Pharma	18BALPD1017L1ZT	AA180218005997U	23/5/2018	31-05-2018	3000	10-07-2018	NA	33
12	Dibrugarh	Dey Pharma	18BALPD1017L2ZS	AA180218005996W	23/5/2018	31-05-2018	3000	10-07-2018	NA	33
Total							59,46,271			

Appendix-XVI
(Reference: Paragraph 2.4.6.6(IV))

Non production of records

Sl. No.	Name of Audittee Unit	List of records(files/registers) in the auditee unit	Amount of refund claimed
1	Guwahati B	KAMAKHAYA PRASAD PODDAR	16,718
2	Guwahati B	FUTURE PLASTICS	2,580
3	Guwahati B	M/S K.B. ENTERPRISE	27,227
4	Guwahati C	PURBANCHAL ROLLING MILLS & INDUSTRIES PRIVATE LIMITED	1,67,000
5	Nagaon	NIKITA DRUG DISTRIBUTORS	16,000

Appendix – XVII
(Reference: Paragraph 2.5.5)

Selection criteria

The criteria for selection of the cases is based on the following parameters:

- i. Taxpayers who have claimed Transitional credit under table 5(a) in excess of the closing CENVAT credit balance available as per the legacy returns filed for the period immediately preceding the appointed day.
- ii. Taxpayers whose CENVAT claim in the last six months immediately preceding the appointed day shows a growth of 25%.
- iii. Transitional claims of manufacturers or service providers who have claimed transitional credit under column 7B of Table 7a.
- iv. Transitional claims in Table 5(a) or 6(a) without corresponding legacy data.

Based on the above parameters, 315 cases were selected and categorised into two;

Strata I: The List of taxpayers satisfying any of the data analytic checks, which would constitute potentially risk prone cases for verification; and

Strata II: List of taxpayers not satisfying the data analytic checks, which have comparatively less risk prone.

Appendix- XVIII
(Reference: Paragraph 2.5.5)

Details of cases selected for audit scrutiny

Sl. No.	Name of Unit Offices	No. of suspicious/high risk cases	No. of cases (other than suspicious/high risk cases	Total number of Cases (3 +4)	Number of duplicate cases
1	2	3	4	5	6
1	ACT Unit-A, Guwahati	16	15	31	3
2	ACT Unit-B, Guwahati	19	29	48	3
3	ACT Unit-C, Guwahati	23	19	42	1
4	ACT Unit-D, Guwahati	30	31	61	3
5	ST, Barpeta	1	2	3	0
6	ACT, Barpeta Road	1	1	2	0
7	ACT, Bongaigaon	2	5	7	1
8	ST, Kokrajhar	7	3	10	0
9	ST, Goalpara	3	5	8	0
10	ACT, Dhubri	4	2	6	0
11	ST, Mangaldoi	1	0	1	0
12	ST, Dhekiajuli	1	1	2	0
13	ACT, Tezpur	1	3	4	0
14	ACT, Nagaon	1	6	7	0
15	ACT, Golaghat	1	4	5	0
16	ST, North Lakhimpur	2	2	4	0
17	ST, Dhemaji	1	1	2	0
18	ACT, Jorhat	2	10	12	0
19	ACT, Dibrugarh	12	5	17	0
20	ACT, Tinsukia	6	8	14	0
21	ST, Digboi	2	2	4	0
22	ST, Naharkatia	2	2	4	1
23	ST, Diphu	1	1	2	0
24	ST, Haflong	1	0	1	0
25	ACT, Silchar	7	7	14	1
26	ST, Karimganj	0	1	1	0
27	ST, Biswanath Chariali	0	1	1	0
28	ST, Hojai	0	1	1	0
29	ST, Nalbari	0	1	1	0
Total		147	168	315	13

Appendix- XIX
(Reference: Paragraph 2.5.7)

Closing balance of the last returns (ER1) claimed in 5(a) of TRAN-1 return

(₹ in lakh)

Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	CGST claimed in table 5(a) of TRAN-1 return
1	2	3	4	5	6
1.	ACT, Unit –A, Guwahati	M/s Triveni Smelters Pvt Ltd.	18AADCT3220B1ZX	18100248410	15.39
2.	ACT, Unit –B, Guwahati	M/s Jyothy Laboratories	18AAACJ3213B6Z4	18250036334	68.88
3.	ACT, Unit –C, Guwahati	M/s Balaji Koke	18ACXPM6340G4ZI	18180025557	8.47
4	ACT, Unit –C, Guwahati	M/s Shiv Polymers Industries	18ADAFS2032B1ZP	18210224730	111.80
5.	ACT, Unit –C, Guwahati	M/s Emami Ltd (Depot)	18AAACH7412G1ZS	18310206148	86.26
6.	ACT, Unit –C, Guwahati	M/s North East Granulators	18AANFN7701Q2ZH	18940249209	34.04
7.	ACT, Unit –C, Guwahati	M/s Assam Roofing Ltd.	18AABCA7734K1ZG	18060037166	71.72
8.	ACT, Unit –C, Guwahati	M/s North East Roofing Pvt Ltd.	18AABCN7052P1ZY	18780064512	2.52
9.	ACT, Unit –C, Guwahati	M/s Roatec Paving Professionals	18ABCFM7759D1ZI	18820224734	21.55
10.	ACT, Unit –D, Guwahati	M/s Skipper Ltd.	18AADCS7272A5ZC	18600172960	313.64
11.	ACT, Unit –D, Guwahati	M/s Star Cement Ltd.	18AACCC1465A4Z3	18280030837	14.81
12.	ST, Goalpara	M/s R. Ess Iron & Steel (P) Ltd.	18AABCR4253J1Z9	18750240438	1.04
13.	ACT, Tinsukia	M/s Assam Electricals	18AAFFA6934NIZO	18930023350	11.13
14.	ACT, Tinsukia	M/s Everlite Engineering Industries	18AABFE6096R1ZN	18020003141	00.00
Total					761.25

Appendix – XX
(Reference: Paragraph 2.5.7)
Un-availed credit on capital goods

(₹ in lakh)					
Sl. No.	Name of the auditee unit	Name of the taxpayer	GSTIN	TIN	CGST claimed in table 6(a) of TRAN-1 return
1	2	3	4	5	6
1.	ACT, Unit-C, Guwahati	M/s Shiv Polymers Industries	18ADAFS2032B1ZP	18210224730	0.44
2.	ACT, Unit-C, Guwahati	M/s Emami Ltd. (Depot)	18AAACH7412G1ZS	18310206148	1.55
3.	ACT, Unit-C, Guwahati	M/s Assam Roofing Ltd.	18AABCA7734K1ZG	18060037166	17.68
4.	ACT, Unit-C, Guwahati	M/s North East Roofing Pvt Ltd.	18AABCN7052P1ZY	18780064512	0.97
5.	ACT, Unit-D, Guwahati	M/s Skipper Ltd.	18AADCS7272A5ZC	18600172960	59.79
6.	ACT, Unit-D, Guwahati	M/s Star Cement Ltd.	18AACCC1465A4Z3	18280030837	1.99
Total					82.42

Appendix–XXI
(Reference: Paragraph 2.5.7)
Un-availed VAT input tax credit on capital goods

(₹ in lakh)					
Sl. No.	Name of the auditee unit	Name of the taxpayer	GSTIN	TIN	SGST claimed in table 6(b) of TRAN-1 return
1	2	3	4	5	6
1.	ACT, Unit-B, Guwahati	M/s Dhubri Plywood Factory	18AABCB0928L1ZN	18960138230	0.66
2.	ACT, Unit-C, Guwahati	M/s Assam Roofing Ltd.	18AABCA7734K1ZG	18060037166	27.09
3.	ACT, Unit-D, Guwahati	M/s Enn Aar Ashcraft	18AADFE4542Q1ZO	18250159912	1.61
Total					29.36

Appendix –XXII
(Reference: Paragraph 2.5.7)
Input tax credit claims with duty paid documents

(₹ in lakh)					
Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	CGST claimed in table 7a(A) of TRAN-1 return
1	ACT, Unit-A, Guwahati	M/s Mahadeolal Hariram Pvt Ltd.	18AABCN6771A1ZM	18230014035	153.29
2		M/s Sahil Marketing	18ACTPB1169L1Z7	18890040056	0.02
3		M/s Poddar Trading Co.	18ADPPP8092B2Z3	18730060805	1.1
4		M/s BSPL (India) Pvt. Ltd.	18AABCD2229C1Z8	18760012046	71.07
5	ACT, Unit-B, Guwahati	M/s Mercantile Marketing (I) Pvt Ltd.	18AADCM8959Q1ZD	18300036937	25.87
6		M/s Gaurav Electronics.	18AHHPS0795E1ZI	18240023196	10.93
7		M/s Acepro International Pvt. Ltd.	18AAICA6172G1ZK	18590154681	16.49
8		M/s Ridhi Sidhi Enterprise	18AARFR4104P1ZL	18040174723	24.07
9		M/s Ariston Thermo India Pvt. Ltd.	18AAOCA7042D1ZP	18170243473	7.83
10		M/s Rishi Electronics & Appliances (Retail)	18AATFR7965G1ZB	18450222852	3.58
11		M/s Shivam Traders	18ANHPB4738N1ZN	18830154452	1.93
12		M/s Krishav Motors	18BDYPK9659R1ZV	18140237815	4.84
13		M/s Baril Marketing Pvt Ltd.	18AADCB2520L2ZS	18890094376	17.54
14		M/s Poddar Car World Ltd.	18AADCP5694D1Z7	18860057678	206.74
15	ACT, Unit-C, Guwahati	M/s Mahak Enterprise	18AEIPB4472K1ZC	18030243841	20.03
16		M/s Gulf Ashley Motors Ltd	18AACCG1194Q1Z3	18270039039	91.45
17		M/s Sky Vision	18AVYPS1988A1ZU	18730116871	0.53
18		M/s Next Digital Home	18SSNFN8228Q1ZA	18160250996	0.30
19		M/s RBS Multimedia	18AAGFR6291Q1ZA	18740025055	22.70
20		M/s Darjeeling Gardens Pvt. Ltd.	18AACCD9124D1ZV	18530148215	10.73
21		M/s Fair graphics Media Services Pvt. Ltd.	18AAACF8914B1ZV	18340047003	0.44
22		M/s Channel Infomate	18AALFC5416F1ZI	18160234797	3.85
23		M/s Kamrup Cement Centre Pvt Ltd	18AACCK4133D1ZX	18200036216	0.03
24		M/s Roatec Paving Professionals	18ABCFM7759D1ZI	18820224734	8.38
25		M/s Great Eastern Trading Co.	18AABCG1740K1ZO	18890223774	1.22
26		M/s Emami Ltd	18AAACH7412G1ZS	18310206148	10.99

Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	CGST claimed in table 7a(A) of TRAN-1 return
27	ACT, Unit-D, Guwahati	M/s Jyothi Labs Ltd.	18AAACJ3213BAZO	18800031812	1.33
28		M/s Tarang Appliances Pvt. Ltd.	18AACCT3658A1ZI	18030066816	0.49
29		M/s Fair Deals Overseas	18AAEFF6353M1ZI	18140031593	51.92
30		M/s Skipper Ltd.	18AADCS7272A5ZC	18600172960	1.19
31		M/s Indomech Industries	18AACFI0790B1ZQ	18560204313	1.95
32		M/s Ramdeo Agency	18AGYPM6972H1ZF	18470039317	0.52
33		M/s Aditya Medisales Ltd.	18AABCA9317J1ZJ	18440000194	16.27
34		M/s Crop Care	18AGUPB4448F3ZS	18810040585	57.07
35		M/s Surya Enterprise	18DKNPS5242A2ZO	18600143957	11.84
36		M/s Digi Co	18AAKED9895N1ZA	18960206809	18.79
37		M/s Jamunalal Nandkishore	18AAHFJ6350K1ZI	18490143193	11.13
38		M/s Patwary Brothers	18AJRPP9648M1ZY	18660038679	13.27
39		M/s Tirupati Enterprise	18ABXPA5744R1ZP	18280038888	2.20
40		M/s Enn Aar Ashcraft	18AADFE4542Q1ZO	18250159912	9.55
41		M/s Manas Enterprise	18AJQPP3553J1ZL	18980037145	1.11
42	ACT, Bongaigaon	M/s Islam & Sons	18AAJP17116A1Z2	18400043769	5.30
43	ST, Goalpara	M/s Fuel Source (India) Pvt. Ltd	18AAACF2978B2ZQ	18470138742	4.27
44	ACT, Dibrugarh	M/s Saligram Bridhichand	18AAPFS6751B1ZY	18130016709	1.38
45		M/s Drug House	18AABFD6509N1Z6	18980030549	0.27
46		M/s Trade & Technology Pvt. Ltd.	18AAACT7167L1ZT	18370002318	0.71
47	ST, Mangaldai	M/s Mahendra Kumar Saurana	18AGZPS1067L1ZF	18480022676	0.49
48	ACT, Nagaon	M/s Juharmal Jaskaran	18AFNPB3687G1Z7	18410007340	3.39
49	ACT, Nagaon	M/s J. J Distributors	18AEUPB4436P1ZU	18630071821	0.47
50	ACT, Silchar	M/s Rajdhani Automobiles	18AAGFR6294M1ZF	18280019876	3.89
51	ST, Karimganj	M/s Dutta Brothers	18AAHFD2933L1Z8	18940113700	2.57
Total					937.32

Appendix –XXIII
(Reference: Paragraph 2.5.7)

Input tax credit on duty paid stock without invoice

(₹ in lakh)					
Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	CGST claimed in table 7a(B) of TRAN-1 return
1	ACT, Unit-A, Guwahati	M/s Prince Pipe Corporation	18AARFP2897B1ZS	18860210841	13.46
2		M/s Poddar Trading Co.	18ADPPP8092B2Z3	18730060805	2.06
3		M/s Bharali Brothers	18AANFB4868J1ZU	18630189191	2.83
4		M/s Sahil Marketing	18ACTPB1169L1Z7	18890040056	0.85
5		M/s Adrij International	18GIGPS5384P1Z3	18420255897	5.10
6		M/s Modern Drug Promoter	18AACFM6984D2ZI	18050013552	85.05
7		M/s Vishal Garment	18AACFV5829L1ZM	18280013280	1.85
8		M/s Mahadeolal Hariram Pvt Ltd.	18AABCM6771A1ZM	18230014035	2.60
9	ACT, Unit-B, Guwahati	M/s Pasupati Creameries Pvt. Ltd	18AADCP5173D1ZH	18900246224	1.11
10		M/s BSM Agency	18AAGHB6847Q1ZK	18130102651	2.83
11		M/s Mercantile Marketing (I) Pvt Ltd.	18AADCM8959Q1ZD	18300036937	4.06
12		M/s Ariston Thermo India Pvt. Ltd.	18AAOCA7042D1ZP	18170243473	8.61
13		M/s Rishi Electronics & Appliances (Retail)	18AATFR7965G1ZB	18450222852	1.82
14		M/s Shivam Traders	18ANHPB4738N1ZN	18830154452	9.08
15		M/s Qwik Supply Chain Pvt. Ltd.	18AAACF5232A1Z8	18360216742	3.80
16	ACT, Unit-C, Guwahati	M/s Mahak Enterprise	18AEIPB4472K1ZC	18030243841	2.23
17		M/s Emami Ltd. (Depot)	18AAACH7412G1ZS	18310206148	16.57
18		M/s Keteki Mobile Trading Pvt. Ltd.	18AACCO1803E1ZW	18630216351	78.80
19		M/s Siddhi Vinayak Motors	18AVRPS2801B1ZL	18690244642	1.11
20		M/s Rongsheng Mobile India Pvt. Ltd.	18AAHCR1262P1ZW	18770204149	26.36
21		M/s Shubh Samay	18ACGPJ0520Q4ZE	18610067370	11.48
22		M/s Surabhi	18ACQPD2326J2ZI	18650028063	5.30
23		M/s Swastik Solution	18ADUPL2894G1ZV	18580142416	7.00
24		M/s Kamrup Cement Centre Pvt. Ltd.	18AACCK4133D1ZX	18200036216	0.003
25		M/s Satyam	18ACUFS0996F1ZE	18370029575	1.63
26		M/s Great Eastern pvt. Ltd	18AABCG1740K1ZO	18890223774	12.70
27	ACT, Unit-D, Guwahati	M/s Manoj Motors	18AFSPA7469J3ZQ	18070153803	3.95
28		M/s Sai Trade & Agencies	18ABQFS2237L1ZL	18260118827	1.91
29		M/s Fair Deals Overseas	18AAEFF6353M1ZI	18140031593	6.32
30		M/s Aditya Medisales Ltd.	18AABCA9317J1ZJ	18440000194	36.72
31		M/s Telecare Network (I) Pvt Ltd.	18AACCT3567A1ZI	18050108612	1.88
32		M/s VRS Trading Co.	18AAJFV5341E1Z3	18960160928	14.05
33		M/s Sports Retail	18ADGFS6982A1ZU	18980247635	1.34
34		M/s Digi Co	18AAKED9895N1ZA	18960206809	18.79
35		M/s Sargam Ventures Pvt. Ltd.	18AAMCS7047N1ZJ	18980107082	16.83

Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	CGST claimed in table 7a(B) of TRAN-1 return
36		M/s Ceekay Associates	18AAMFC2169C1ZJ	18320047208	45.38
37		M/s Assam Automobiles	18AAFFA4737M1Z5	18270026623	0.51
38		M/s Chhabra Marketing	18AAHFC8783B1ZA	18670106719	6.20
39		M/s Subham Agencies Pvt Ltd.	18AAKCS5625K1ZQ	18380063277	8.56
40		M/s Patwary Brothers	18AJRPP9648M1ZY	18660038679	6.03
41		M/s Manas Enterprise	18AJQPP3553J1ZL	18980037145	3.91
Total					480.673

Appendix-XXIV
(Reference: Paragraph 2.5.7)
Input VAT credit on stock

(₹ in lakh)					
Sl. No.	Name of the auditee unit	Name of the Taxpayer	GSTIN	TIN	SGST claimed in table 7(c) of TRAN-1 return
1	2	3	4	5	6
1	ACT, Unit-A, Guwahati	M/s Mahadeolal Hariram Pvt. Ltd.	18AABCM6771A1ZM	18230014035	1.25
2	ACT, Unit-B, Guwahati	M/s Mandal & Brothers	18AAIFM1880A1ZH	18830035142	17.92
3	ACT, Unit-C, Guwahati	M/s Sky Vision	18AVYPS1988A1ZU	18730116871	7.64
4	ACT, Unit-C, Guwahati	M/s Next Digital Home	18AANFN8228Q1ZA	18160250996	7.16
5	ACT, Unit-D, Guwahati	M/s Tarang Appliances Pvt. Ltd.	18AACCT3658A1ZI	18030066816	8.63
6	ACT, Unit-D, Guwahati	M/s Sai Trade & Agencies	18ABQFS2237L1ZL	18260118827	8.05
7	ACT, Unit-D, Guwahati	M/s Indomech Industries	18AACFI0790B1ZQ	18560204313	1.72
8	ACT, Unit-D, Guwahati	M/s Ramdeo Agency	18AGYPM6972H1ZF	18470039317	11.09
9	ACT, Dibrugarh	M/s Saligram Bridhichand	18AAPFS6751B1ZY	18130016709	2.53
Total					65.99

Appendix-XXV
(Reference: Paragraph 2.5.7)

Documentary evidence of Input/input services in transit not furnished

(₹ in lakh)

Sl. No.	Name of the Auditee Units	Name of the Taxpayers	GSTIN/ TIN	CGST claimed	SGST claimed
1	ACT, Unit-D, Ghy.	M/s Jyothy Labs Ltd.	18AAACJ3213BAZ0 18800031812	5.84	0.28
2	ACT, Unit-D, Ghy.	M/s Star Cement Ltd.	18AACCC1465A4Z3 18280030837	84.91	0
3	ACT, Unit-C, Ghy.	M/s Emami ltd (Depot),	18AAACH7412G1ZS 18310206148	51.22	1.22
4	ACT, Tinsukia	M/s Assam Agencies	18AEDPG1530Q2Z3 18960014749	4.38	1.14
5	ACT, Tinsukia	M/s Assam Electricals	18AAFFA6934N1ZO 18930023350	0.45	0
Total				146.80	2.64

Appendix- XXVI
(Reference: Paragraph 2.5.9.1)
Excess carry forward of Input Tax Credit into ECL

(₹ in lakh)

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
1	2	3	4	5	6	7	8	9	10	11
1.	ACT, Unit-A, Guwahati	M/s Shenglong Mobiles Services Pvt. Ltd., 18AAECR1934K2Z5 18070250124	11.66	27.12.2017	Scrutiny of monthly returns including revised return filed for the period from April 2017 to June 2017 revealed that balance ITC was ₹6.53 lakh. However, credit carried forward was ₹ 11.66 lakh in his ECL.	6.53	5.13	3.00	39 (up to 03/2021)	8.13
2	ACT, Unit-A, Guwahati	M/s Brahmaputra Drug Distributors, 18AADFD6649M1ZX 18070025569	10.22	27.12.2017	While completing scrutiny for returns for the year 2017-18, the Assessing Officer allowed ITC balance of ₹5.68 lakh- at the end of June 2017. However, the taxpayer credit forward credit of ₹ 10.22 lakh in his ECL.	5.68	4.54	2.66	39 (up to 03/2021)	7.20
3	ACT, Unit-A, Guwahati	M/s Sahil Marketing 18ACTPB1169L1Z7 18890040056	3.50	26.10.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹1.85 lakh. However, the taxpayer carried forward credit of ₹ 3.50 lakh in his ECL	1.85	1.65	1.01	41 (up to 03/2021)	2.66
4	ACT, Unit-A, Guwahati	M/s Bhabani Offset Pvt. Ltd. 18AAECB1990K1ZE 18780135904	59.57	27.12.2017	Scrutiny of annual returns for the period 2017-18 revealed that the balance ITC carried forward was ₹29.12 lakh. However, the taxpayer carried forward credit of ₹ 59.57 lakh in his ECL	29.12	30.45	17.81	39 (up to 03/2021)	48.26
5	ACT, Unit-A, Guwahati	M/s Commercial Sales Corporation 18ACAPA3498E1ZU 18170011934	19.43	23.12.2017	The Assessing officer had scrutinised the returns for the period April 2017 to June 2017 and didn't allowed any amount to carry forward in ITC. However, the taxpayer carried forward credit of ₹19.43 lakh in his ECL.	0	19.43	11.37	39 (up to 03/2021)	30.80
6	ACT, Unit-B, Guwahati	M/s Trinetra Supply Centre 18ADWPC3184C1ZH 18860159916	30.86	26.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹29.50 lakh. However, the taxpayer carried forward credit of ₹ 30.86 lakh in his ECL.	29.5	1.36	0.85	42 (up to 03/2021)	2.21
7	ACT, Unit-B, Guwahati	M/s Jyoty Laboratories 18AAACJ3213B6Z4 18250036334	16.90	27.10.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹0.00 lakh. However, the taxpayer carried forward credit of ₹16.90 lakh in his ECL.	0	16.90	11.15	44 (up to 06/2021)	28.05
8	ACT, Unit-B, Guwahati	M/s Krishnashok Traders 18ADBPB9397B1ZM 18640037041	3.88	29.08.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹3.19 lakh. However, the taxpayer carried forward credit of ₹3.88 lakh in his ECL.	3.19	0.69	0.47	46 (up to 06/2021)	1.16
9	ACT, Unit-B, Guwahati	M/s Umed Electronics 18AFSPC9795B1ZY	10.43	07.12.2017	Scrutiny of annual return 2017-18 revealed that the balance ITC carried forward was ₹4.26 lakh.	4.26	6.17	3.89	42 (up to 06/2021)	10.06

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
		18890010859			However, the taxpayer carried forward credit of ₹10.43 lakh in his ECL.					
10	ACT, Unit-B, Guwahati	M/s Gaurav Electronics 18AHHS0795E1ZI 18240023196	29.32	07.10.2017	The Assessing Officer had scrutinised the returns for the period April 2017 to June 2017 and allowed ITC carry forward amounting to ₹13.55 lakh. However, the taxpayer carried forward credit of ₹29.32 lakh in his ECL.	13.55	15.77	10.41	44 (up to 06/2021)	26.18
11	ACT, Unit-B, Guwahati	M/s Atlanta Modular Ltd. 18AADCA5797Q3ZP 18870204967 & 18260016977	18.49	26.09.2017	The Assessing Officer had assessed the returns for the period April 2017 to June 2017 and allowed ITC carry forward amounting to ₹14.53 lakh. However, the taxpayer carried forward credit of ₹18.49 lakh in his ECL.	14.53	3.96	2.67	45 (up to 06/2021)	6.63
12	ACT, Unit-B, Guwahati	M/s Jyoty Laboratories Ltd. Unit-II 18AAACJ3213BAZO 18850204784	36.48	18.10.2017	Scrutiny of annual return 2017-18 revealed that the balance ITC carried forward was ₹16.87 lakh. However, the taxpayer carried forward credit of ₹36.48 lakh in his ECL.	16.87	19.61	13.24	45 (up to 07/2021)	32.85
13	ACT, Unit-C, Guwahati	M/s Sushanta Kumar Nayak 18ADAPN8470E1ZH 18980013768	3.40	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹1.27 lakh. However, the taxpayer carried forward credit of ₹3.40 lakh in his ECL.	1.27	2.13	1.34	42 (up to 06/2021)	3.47
14	ACT, Unit-C, Guwahati	M/s Unitech Solutions 18AKEPD5965H1ZO 18180159708 18180159708	4.55	20.11.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹0.39 lakh. However, the taxpayer carried forward credit of ₹4.55 lakh in his ECL.	0.39	4.16	2.69	43 (up to 06/2021)	6.85
15	ACT, Unit-C, Guwahati	M/s Gulf Ashley Motors Ltd. 18AACCG1194Q1Z3 18270039039	24.70	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹18.65 lakh. However, the taxpayer carried forward credit of ₹24.70 lakh in his ECL.	18.65	6.05	3.81	42 (up to 06/2021)	9.86
16	ACT, Unit-C, Guwahati	M/s Fairgraphis Media Services Pvt Ltd. 18AAACF8914B1ZV 18340047003	17.45	18.09.2017	The AO scrutinised return for the year 2017-18 and allowed ITC balance carried forwarded to ₹10.60 lakh instead of ₹17.45 as mentioned in the letter no. 815 dated 07.02.2020 issued by the ST, Unit –C, Guwahati. However, the taxpayer carried forward credit of ₹17.45 lakh in his ECL.	10.60	6.85	4.62	45 (up to 06/2021)	11.47
17	ACT, Unit-C, Guwahati	M/s J.K. Engineering & Agro Service	12.59	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹5.57	5.57	7.02	4.42	42 (up to 06/2021)	11.44

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
		18ADVPN3665L4ZJ 18120189326			lakh. However, the taxpayer carried forward credit of ₹12.59 lakh in his ECL.					
18	ACT, Unit-C, Guwahati	M/s Nettrack Systems & Services 18AAKFN9139K1ZL 18310192956	8.95	20.12.2017	Scrutiny of monthly returns revealed that (A) ITC balance carried forward in the month of February 2017 ₹6.55 lakh whereas ITC brought forward in the month of March 2017 ₹9.55 lakh, resulted excess brought forward ITC ₹3.00 lakh (B) ITC balance carried forward to next period as per monthly return June 2017 ₹8.05 lakh + excess paid amount ₹3.65 lakh. As such, total ITC balance carried forward to next period should be ₹11,62,285/- As a result, actual ITC carried forward should be [B – A] ₹8.62 lakh. However, the taxpayer carried forward credit of ₹8.95 lakh in his ECL.	8.62	0.33	0.21	42 (up to 06/2021)	0.54
19	ACT, Unit-C, Guwahati	M/s Northeast Sillimanite 18AFPPK1188K5ZR 18050161380	12.44	27.12.2017	Scrutiny of monthly returns revealed that (A) ITC balance carried forward for the month of April 2017 ₹5.22 lakh whereas ITC brought forward in the month of May 2017 ₹7.12 lakh, resulted excess brought forward ITC ₹1.90 lakh. However, the taxpayer carried forward credit of ₹12.44 lakh in his ECL.	10.54	1.90	1.20	42 (up to 06/2021)	3.10
20	ACT, Unit-C, Guwahati	M/s Emami Ltd. (Depot) 18AAACH7412G1ZS 18120129089	10.28	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹0.00 lakh. However, the taxpayer carried forward credit of ₹10.28 lakh in his ECL	0	10.28	6.48	42 (up to 06/2021)	16.76
21	ACT, Unit-C, Guwahati	M/s Roatec Paving Professionals 18ABCFM7759D1Z1 18820224734	5.97	28.08.2017	The Assessing Officer had scrutinised the returns for the period 2017-18 and allowed ITC carry forward amounting to ₹0.47 lakh. However, the taxpayer carried forward credit of ₹5.97 lakh in his ECL.	0.47	5.5	3.80	46 (up to 06/2021)	9.30
22	ACT, Unit-C, Guwahati	M/s Bhabani Offset & Imaging System Pvt. Ltd. 18AABCB9693E1ZE 18200191610	47.32	27.12.2017	Scrutiny of monthly returns for the month of January 2017 and February 2017 revealed that the taxpayer balance ITC carried forwarded amounting to ₹1.94 lakh in the month of January	4.18	43.14	27.18	42 (up to 06/2021)	70.32

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
					2017 but in the month of February 2017 ITC brought forward amounting ₹45.07 lakh which indicate that the excess ITC brought forward amounting to ₹43.14 lakh. However, the taxpayer carried forward credit of ₹47.32 lakh in his ECL.					
23	ACT, Unit-C, Guwahati	M/s North East Roofing Pvt. Ltd. 18AABCN7052P1Z7 18780064512	7.70	26.08.2017	Scrutiny of monthly returns revealed that (i) ITC balance carried forward to next period amounting to ₹0.00 as shown in the monthly return of January -2017. Whereas, ITC balance brought from previous period as shown in February 2017 return ₹2.34 lakh as such, excess ITC claimed ₹2.34 lakh (ii) ITC balance carried forward to next period amounting to ₹0.00 as shown in the monthly return of February -2017. Whereas, ITC balance brought from previous period as shown in March 2017 return ₹1.23 lakh as such excess ITC claimed ₹1.23 lakh. As a result, total excess ITC carried forward [(i) + (ii)] was ₹3.57 lakh. However, the taxpayer carried forward credit of ₹7.70 lakh in his ECL	4.13	3.58	2.47	46 (up to 06/2021)	6.05
24	ACT, Unit-D, Guwahati	M/s B.K. Traders 18BLUPK0369L3ZB 18460150921	3.98	20.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC carried forward was ₹0.85 lakh. However, the taxpayer carried forward credit of ₹3.98 lakh in his ECL	0.85	3.13	2.02	43 (up to 07/2021)	5.15
25	ACT, Unit-D, Guwahati	M/s Crop Care 18AGUPB4448F3Z5 18810040585	50.12	09.11.2017	Scrutiny of monthly returns of May 2017 revealed that the balance ITC carried forward was ₹19.40 lakh. But ITC balance brought forward from previous period as shown in the monthly return of June 2017 was ₹35.99 lakh, which indicated excess ITC carried forward was ₹16.59 lakh. However, the taxpayer carried forward credit of ₹50.12 lakh in his ECL.	33.53	16.59	10.70	43 (up to 07/2021)	27.29
26	ACT, Unit-D, Guwahati	M/s Ramdeo Agencies 18AGYPM6972H1ZF 18470039317	15.60	23.09.2017	Scrutiny of monthly returns revealed that (A) Excess ITC brought forward during June 2017 from May 2017 [₹13.41 lakh – ₹12.90 lakh	14.09	1.51	1.04	46 (up to 07/2021)	2.55

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
					= ₹0.51 lakh] (B) Excess ITC claimed in the Tran-1 return = (ITC claimed in Tran-1 return – ITC balance carried forwarded in the monthly return of June 2017) [₹15.60 lakh - ₹14.60 lakh = ₹1.00 lakh Overall excess claim of ITC (A+B) i.e. = ₹1.51 lakh					
27	ACT, Unit-D, Guwahati	M/s Star Venturs Marketing Pvt Ltd. 18AAOCS7223A1ZE 18560145434	10.94	27.12.2017	Scrutiny of monthly returns revealed that (A) ITC balance carried forward to next period as shown in the monthly return April 2017 was ₹0.00 lakh. Whereas ITC balance brought forward incorrectly for the month of May 2017 ₹11.13 lakh (B) Tax balance (excess paid) as per monthly return of June 2017 is ₹0.19 lakh As a result, net excess ITC balance brought forwarded of ₹10.94 lakh (₹11.13 lakh - ₹0.19 lakh)	0	10.94	6.89	42 (up to 07/2021)	17.83
28	ACT, Unit-D, Guwahati	M/s Tirupati Enterprises 18ABXPA5744R1ZP 18280038888	7.99	26.12.2017	Scrutiny of monthly return revealed that excess ITC brought forward during from March 2017 to April 2017 [₹9.99 lakh- – ₹9.96 lakh= ₹0.03 lakh]	7.96	0.03	0.01	43 (up to 07/2021)	0.04
29	ACT, Unit-D, Guwahati	M/s New Assam Drug Agency 18AXRPD8162E1Z8 18730132585	36.01	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹0.89 lakh. However, credit carried forward was ₹36.01 lakh in his ECL.	0.89	35.12	22.66	43 (up to 07/2021)	57.78
30	ACT, Unit-D, Guwahati	M/s Linkquest Quippo Infra LLP 18AAFFL7288Q1ZA 18570214929	7.14	26.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹6.77 lakh. However, credit carried forward was ₹7.14 lakh in his ECL.	6.77	0.37	0.24	43 (up to 07/2021)	0.61
31	ACT, Unit-D, Guwahati	M/s Star Cement Ltd. 18AACCC1465A4Z3 18280030837	166.75	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹0.00 lakh. However, credit carried forward was ₹166.75 lakh in his ECL.	0	166.75	107.56	43 (up to 07/2021)	274.31

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
32	ST, Goalpara	M/s R. Ess Iron & Steel (P) Ltd. 18AABCR4253J1Z9 18750240438	6.50	21.09.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹1.01 lakh. However, credit carried forward was ₹6.50 lakh in his ECL.	1.01	5.49	3.87	47 (up to 08/2021)	9.36
33	ST, Barpeta	M/s H.L Motors 18AAHFH6122P1ZZ 18590197264	3.79	26.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹2.97 lakh. However, credit carried forward was ₹3.79 lakh in his ECL.	2.97	0.82	0.53	43 (up to 07/2021)	1.35
34	ACT, Dibrugarh	M/s Commercial Equipment House 18AACFC3243P1Z9 18920002646	8.12	26.12.2017	As per audit report 2017-18 the balance ITC carried forward was ₹1.22 lakh. However, credit carried forward was ₹8.12 lakh in his ECL.	1.22	6.90	4.56	44 (up to 08/2021)	11.46
35	ACT, Dibrugarh	Agarwal Pharmaceutical 18ABZPA0117A1Z5 18970016926	6.88	27.12.2017	Scrutiny of annual return and audit report of 2017-18 revealed that the ITC balance carried forward to next period amounting to ₹5.54 lakh. However, credit carried forward was ₹6.88 lakh in his ECL. The taxpayer had deposited audit objection amount to ₹1.34 lakh	5.54	1.34	0	--	1.34
36	ACT, Tinsukia	M/s Jyoti Cycle Store 18ABRPD6160E2ZM 18810015171	3.46	23.08.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹0.00 lakh. However, credit carried forward was ₹3.46 lakh in his ECL.	0	3.46	2.50	48 (up to 09/2021)	5.96
37	ACT, Tinsukia	M/s Everlite Engineering Industries 18AABFE6096R1ZN 18020003141	3.06	30.11.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹0.00 lakh. However, credit carried forward was ₹3.06 lakh in his ECL.	0	3.06	2.11	46 (up to 09/2021)	5.17
38	ST, Naharkatia	M/s Namrup Sales Corporation 18AFTPK35122P1ZT 18730002508	12.05	21.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹5.63 lakh. However, credit carried forward was ₹12.05 lakh in his ECL.	5.63	6.42	4.24	44 (up to 09/2021)	10.66
39	ST, Biswanath Charrali	M/s Borpambalichang Tea Producer Company Ltd. 18AAGCB1045F1Z1 18680222968	7.85	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹0.00 lakh. However, credit carried forward was ₹7.85 lakh in his ECL.	0	7.85	5.42	46 (up to 10/2021)	13.27
40	ACT, Golaghat	M/s Radha Trade 18ABSPC1975F1ZG 18340116552	3.53	27.12.2017	Scrutiny of monthly returns of June 2017 revealed that the balance ITC was ₹1.87 lakh. However, credit carried forward was ₹3.53 lakh in his ECL.	1.87	1.66	1.12	45 (up to 09/2021)	2.78

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
41	ACT, Golaghat	M/s Auto World 18AEGPK2411K1ZM 18910004543	8.07	23.12.2017	Scrutiny of annual returns of 2016-17 revealed that the balance ITC was ₹2.56 lakh. But ITC balance brought forward from previous period as shown in monthly return for the month of April 2017 ₹4.57 lakh resulted excess brought forward of ₹2.01 lakh. However, credit carried forward was ₹8.07 lakh in his ECL.	6.06	2.01	1.36	45 (up to 09/2021)	3.37
42	ACT, Silchar	M/s N.E. Equipment Solutions Pvt. Ltd. 18AAECN2767J1Z3 18260177609	14.72	27.12.2017	Scrutiny of monthly VAT returns revealed that ITC balance carried forward to the next period by the taxpayer in the month of June-2017 was ₹14.72 lakh whereas as per audit scrutiny of VAT returns for the months of January-2017 to June 2017, ITC balance carried forward to the next period in the month of June 2017 was arrived ₹ 5.69. lakh resulted in excess ITC claim of ₹ 9.03 lakh.	5.69	9.03	6.10	45 (up to 10/2021)	15.13
43	ACT, Bongaigaon	M/s R.R. Drug 18ANTPB3430B1ZD 18080122321	26.08	28.08.2017	Scrutiny of monthly returns revealed that the ITC balance carried forward to next period amounting to ₹2.60 lakh in the monthly return of April 2017. Whereas, ITC balance brought from previous period as shown in May 2017 return ₹25.70 lakh. Hence, excess ITC brought forward of ₹23.10 lakh. However, credit carried forward was ₹26.08 lakh in his ECL.	2.98	23.10	15.25	44 (up to 08/2021)	38.35
44	ACT, Dhubri	M/s Dhubri Sales Agency 18AABFD9104F1ZQ 18650089561	12.68	25.12.2017	Scrutiny of monthly returns revealed that the ITC balance carried forward to next period amounting to ₹0.00 lakh in the monthly return of March 2017. Whereas, ITC balance brought from previous period in April 2017 return ₹11.49 lakh which was incorrect. As a result, excess ITC claimed ₹11.49 lakh. However, credit carried forward was ₹12.68 lakh in his ECL.	1.19	11.49	7.59	44 (up to 08/2021)	19.08
45	ST, Digboi	M/s Patkai Coal Products Pvt. Ltd 18AABCP2248M1Z6	122.55	10.11.2017	Scrutiny of VAT assessment order for the year 2016-17 revealed that the AO allowed ITC balance carried forward ₹103.99 lakh but in the	108.05	14.50	10.01	46 (up to 09/2021)	24.51

Sl. No.	Name of the auditee Unit	Name of the Taxpayer, GSTIN and TIN	Claims of transitional credit as per TRAN-1	Date of transitional credit in the ECL	Audit finding	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
		18240003893			monthly return April 2017, ITC balance brought forward from previous period amounting to ₹118.49 lakh. As such, excess ITC brought forward of ₹14.50 lakh. However, credit carried forward was ₹122.55 lakh in his ECL					
46	ACT, Barpeta Road	M/s Sohail Agro Service 18ASCPK4842Q1Z6 18270073086	10.07	22.11.2017	Scrutiny of VAT monthly returns revealed that the ITC balance carried forward to next period amounting to ₹9.12 lakh as shown in the monthly return of March-2017. Whereas ITC balance brought forward from previous period amounting to ₹9.22 lakh in the month of April 2017. As a result, excess ITC brought forward amounting to ₹0.10 lakh However, credit carried forward was ₹10.07 lakh in his ECL.	9.97	0.10	0.06	45 (up to 08/2021)	0.16
47	ST, Naharkatia	M/s Chenireema Trader 18AGOPG3989L1ZJ 1807005587	16.42	26.12.2017	Scrutiny of annual return 2016-17 revealed that the ITC balance brought forward from previous period amounting to ₹12.71 lakh instead of ₹12.82/- (including refund amount of 2015-16) as shown in the annual return of 2016-17. However, credit carried forward was ₹16.42 lakh in his ECL. The taxpayer had deposited audit objection amount along with interest of ₹0.19 lakh	16.32	0.10	0.07	44 (up to 08/2021)	0.17
Total			970.45			422.09	548.37	352.66		901.03

Appendix -XXVII
(Reference: Paragraph 2.5.9.1)

Irregular carried forward of Input Tax Credit due to pending Statuary Forms (C, F and H)

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN & TIN	Type of statutory Form pending	Forms pertains to the year	Value of pending Forms	Net value of Goods excluding tax	Minimum tax leviable	Minimum Tax calculated (Per centum)	Claims of transitional credit as per TRAN - 1	Date of transitional credit in the ECL	Disallowed amount of Tran-1 claim	Period of interest calculated	Disallowed Money Value		Total (Tax + Interest)	Remarks
													Tax	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1.	ACT, Unit-A, Guwahati	M/s Vishal Garment 18AACFV5829L1ZM 18280013280.	C	2017-18	20.65	20.25	6	1.21	17.20	20.12.2017	1.21	39 (up to 3/2021)	1.21	0.71	1.92	
2.	ACT, Unit-A, Guwahati	M/s Neel Kamal. 18AABFN3393E1ZB 18570026458	C	2017-18	47.11	46.19	6	2.77	4.47	06.12.2017	2.77	40 (up to 4/2021)	2.77	1.66	4.43	
3.	ACT, Unit-A, Guwahati	M/s Triveni Smelters Pvt Ltd 18AADCT3220B1ZX 18100248410	C	2016-17	85.37	83.70	5	4.18	9.02	25.08.2017	4.18	40 (up to 4/2021)	4.18	2.51	6.69	
4	ACT, Unit-A, Guwahati	M/s Modern Drug Promote 18AACFM6984D2Z1. 18050013552	F	2015-16	8.42	8.42	5	0.42	62.94	26.12.2017	0.42	39 (up to 3/2021)	0.42	0.25	0.67	
5.	ACT, Unit-B, Guwahati	M/s Shiv Shakti Distributors 18AFJPK7503E1ZJ 18840032566	C	2016-17	195.71	191.88	6	11.51	4.15	13.12.2017	4.15	42 (up to 6/2021)	4.15	2.61	6.76	Limited to TRAN-1 claim.
				2017-18	85.22	83.55	6	5.01								
				Total	280.94	275.43		16.53								
6.	ACT, Unit-B, Guwahati	M/s Dhubri Plywood Factory. 18AABCB0928L1ZN 18960138230	C	2016-17	76.17	74.68	5	3.73	0.45	27.12.2017	0.45	42 (up to 6/2021)	0.45	0.28	0.73	Limited to TRAN-1 claim.
				2017-18	15.62	15.32	6	0.92								
				Total	91.79	90.00		4.65								
7.	ACT, Unit-B, Guwahati	M/s Mandal & Brother 18AAIFM1880A1ZH 18830035142	C	2017-18	3.32	3.26	6	0.20	3.83	27.12.2017	0.20	42 (Up to 6/2021)	0.20	0.12	0.32	
8.	ACT, Unit-B, Guwahati	M/s Jyothi Laboratories Ltd. 18AAACJ3213B6Z4 18250036334	C	2015-16	3.14	3.08	14.5	0.45	16.90	27.10.2017	16.90	45 (up to 7/2021)	16.90	11.41	28.31	Limited to TRAN-1 claim
				2016-17	1.93	1.89	14.5	0.27								
				2017-18	1.97	1.93	15	0.29								
				Total	7.04	6.9		1.01								
			F	2015-16	3018.99	3018.99	14.5	437.75								
				2016-17	2812.62	2812.62	14.5	407.83								
				Total	5831.61	5831.61		845.58								
			H	2015-16	120.00	120.00	14.5	17.40								

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN & TIN	Type of statutory Form pending	Forms pertains to the year	Value of pending Forms	Net value of Goods excluding tax	Minimum tax leviable	Minimum Tax calculated (Per centum)	Claims of transitional credit as per TRAN - 1	Date of transitional credit in the ECL	Disallowed amount of Tran-1 claim	Period of interest calculated	Disallowed Money Value		Total (Tax + Interest)	Remarks
													Tax	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
				2016-17	89.30	89.30	14.5	12.95								
				Total	209.3	209.3		30.35								
				Grand Total	6047.94	6047.81		876.94								
9.	ACT, Unit-B, Guwahati	M/s North East Granulator 18AANFN7701Q2ZH 18940249209	C	2016-17	1.88	1.85	6	0.11	22.85	26.08.2017	2.58	47 (up to 7/2021)	2.58	1.82	4.40	
				2017-18	42.03	41.20	6	2.47								
				Total	43.91	43.05		2.58								
10	ACT, Unit-B, Guwahati	M/s Poddar Car World Pvt. Ltd. 18AADCP5694D1Z7 18860057678.	F	2016-17	61.87	61.87	15	9.28	40.68	18.11.2017	9.28	44 (up to 7/2021)	9.28	6.12	15.40	
11.	ACT, Unit-B, Guwahati	M/s Jyothi Laboratories Ltd., Unit-II. 18AAACJ3213BAZO 18850204784	C	2016-17	3.56	3.49	14.5	0.51	36.49	18.10.2017	36.49	45 (up to 7/2021)	36.49	24.62	61.11	Limited to TRAN-1 claim.
				2017-18	0.50	0.49	15	0.07								
				Total	4.06	3.99		0.58								
			F	2015-16	2478.10	2478.10	14.5	359.32								
				2016-17	927.07	927.07	14.5	13.44								
				Total	3405.17	3405.17		372.76								
				Grand Total	3409.23	3409.16		373.34								
12.	ACT, Unit-C, Guwahati	M/s Shani Machinery. 18AIFPM2870B1ZG 18270156409	C	2015-16	1.08	1.06	5	0.05	6.75	26.12.2017	0.79	42 (up to 6/2021)	0.79	0.50	1.29	
				2016-17	12.69	12.44	5	0.62								
				2017-18	1.96	1.93	6	0.12								
				Total	15.73	15.43		0.79								
13.	ACT, Unit-C, Guwahati	M/s R.R. Associates. 18AFXPA9061M1ZP 18530206318	C	2015-16	14.46	14.18	5	0.71	6.47	21.09.2017	3.80	45 (up to 6/2021)	3.80	2.56	6.36	
				2016-17	15.82	15.51	14.5	2.25								
				2017-18	5.69	5.58	15	0.84								
				Total	35.97	35.27		3.80								
14.	ACT, Unit-C, Guwahati	M/s Shree Arihant Logistics Pvt. Ltd. 18AAJCS9700M2ZR 18330035902	C	2015-16	138.42	135.70	5	6.79	11.07	27.12.2017	11.07	42 (up to 6/2021)	11.07	6.97	18.04	Limited to TRAN-1 claim.
				2016-17	228.94	224.45	5	11.22								
				Total	367.36	360.15		18.01								
15.	ACT, Unit-C, Guwahati	M/s Channel Infomatic. 18AALFC5416F1ZI 18160234797	C	2017-18	124.74	122.29	15	18.34	15.29	31.10.2017	15.29	44 (up to 6/2021)	15.29	10.09	25.38	Limited to TRAN-1 claim.
16.	ACT, Unit-C, Guwahati	M/s J.K. Engineering Agro Services. 18ADVPN3665L4ZJ 18120189326	C	2017-18	1.52	1.49	6	0.09	12.59	27.12.2017	0.09	42 (up to 6/2021)	0.09	0.05	0.14	
17.	ACT, Unit-C, Guwahati	M/s Nettrack Systems & Services. 18AAKFN9139K1ZL	C	2015-16	25.94	25.44	5	1.27	8.95	20.12.2017	3.72	42 (up to 6/2021)	3.72	2.35	6.07	
				2016-17	39.12	38.36	5	1.92								
				2017-18	9.07	8.90	6	0.53								

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN & TIN	Type of statutory Form pending	Forms pertains to the year	Value of pending Forms	Net value of Goods excluding tax	Minimum tax leviable	Minimum Tax calculated (Per centum)	Claims of transitional credit as per TRAN - 1	Date of transitional credit in the ECL	Disallowed amount of Tran-1 claim	Period of interest calculated	Disallowed Money Value		Total (Tax + Interest)	Remarks
													Tax	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		18310192956		Total	74.15	72.69		3.72								
18.	ACT, Unit-C, Guwahati	M/s Surabhi. 18ACQPD2326J2ZI 18650028063	C	2016-17	1.58	1.55	5	0.08	21.37	26.12.2017	0.15	42 (up to 6/2021)	0.15	0.12	0.27	
				2017-18	0.07	0.07	6	0.004								
				Total	1.65	1.62		0.08								
			H	2015-16	1.40	1.40	5	0.07								
			Grand Total		3.05	3.02		0.15								
19.	ACT, Unit-C, Guwahati	M/s Gulf Ashley Motors Ltd. 18AACCG1194Q1Z3 18270039039	C	2015-16	4.77	4.67	5	0.23	24.70	27.12.2017	1.33	42 (up to 6/2021)	1.33	0.83	2.16	
				2016-17	16.73	16.40	5	0.82								
				2017-18	4.30	4.21	6	0.25								
				Total	25.79	25.29		1.31								
			F	2015-16	0.30	0.30	5	0.02								
			Grand Total		26.09	25.59		1.33								
20.	ACT, Unit-C, Guwahati	M/s Assam Roofing Ltd. 18AABCA7734K1ZG 18060037166	C	2015-16	1666.68	1634.00	5	81.70	71.72	04.09.2017	71.72	47 (up to 7/2021)	71.72	50.56	122.28	Limited to TRAN-1 claim.
				2016-17	1288.85	1263.58	5	63.18								
				2017-18	346.14	339.36	6	20.36								
				Total	3301.67	3236.93		165.24								
			F	2015-16	998.42	998.42	5	49.92								
				2016-17	659.60	659.60	5	32.98								
				2017-18	206.27	206.27	6	12.38								
				Total	1864.29	1864.29		95.28								
			Grand Total		5165.96	5101.22		260.52								
21.	ACT, Unit-C, Guwahati	M/s Emami Ltd. (Depot). 18AAACH7412G1ZS 18120129089	C	2015-16	174.20	170.79	5	8.54	10.28	28.08.2018 & 27.12.2017	10.28	43 (up to 7/2021)	10.28	6.63	16.91	Limited to TRAN-1 claim.
				2016-17	225.76	221.34	5	11.07								
				2017-18	60.25	59.07	6	3.54								
				Total	460.22	451.20		23.15								
			F	2015-16	280.34	280.34	5	14.02								
				2016-17	361.26	361.26	5	18.06								
				2017-18	87.04	87.04	6	5.22								
				Total	728.64	728.64		37.30								
			H	2016-17	62.28	62.28	5	3.11								
				2017-18	45.18	45.18	6	2.71								
				Total	107.45	107.45		5.82								
			Grand Total		1296.31	1287.29		66.27								
22.	ACT, Unit-D, Guwahati	M/s Ramdeo Agencies 18AGYPM6972H1ZF 18470039317	C	2017-18	3.90	3.83	6	0.23	15.60	23.09.2017	0.23	46 (up to 7/2021)	0.23	0.16	0.39	
23.	ACT, Unit-D, Guwahati	M/s Indomech Industries. 18AACFI0790B1ZQ 18560204313	C	2017-18	10.76	10.55	6	0.63	1.72	08.12.2017	0.63	43 (up to 7/2021)	0.63	0.41	1.04	

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN & TIN	Type of statutory Form pending	Forms pertains to the year	Value of pending Forms	Net value of Goods excluding tax	Minimum tax leviable	Minimum Tax calculated (Per centum)	Claims of transitional credit as per TRAN - 1	Date of transitional credit in the ECL	Disallowed amount of Tran-1 claim	Period of interest calculated	Disallowed Money Value		Total (Tax + Interest)	Remarks
													Tax	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
24.	ACT, Unit-D, Guwahati	M/s Telecare Network (I) Pvt Ltd. 18AACCT3567A1ZI 18050108612	C	2016-17	8.63	8.46	5	0.42	21.17	27.12.2017	0.42	43 (up to 7/2021)	0.42	0.27	0.69	
25	ACT, Unit-D, Guwahati	M/s Udalguri Beverages Pvt. Ltd. 18AAACU7426P1ZQ 18450039231	F	2016-17	520.63	520.63	5	26.03	24.82	09.10.2017	24.82	45 (up to 7/2021)	24.82	16.75	41.57	Limited to TRAN-1 claim.
				2017-18	66.76	66.76	5	3.34								
				Total	587.40	587.39		29.37								
26.	ACT, Unit-D, Guwahati	M/s Fairdeal Overseas 18AAEFF6353M1ZI 18140031593	C	2017-18	18.78	18.41	15	2.76	7.27	27.12.2017	3.33	43 (up to 7/2021)	3.33	2.15	5.48	
			H	2017-18	3.79	3.79	15	0.57								
			Grand Total		22.57	22.20		3.33								
27.	ACT, Unit-D, Guwahati	M/s Aditya Medisales Ltd. 18AABCA9317J1ZJ 1844000194	C	2016-17	3477.50	3409.31	5	170.47	442.95	25.12.2017	214.78	43 (up to 7/2021)	214.78	138.54	353.32	
				2017-18	751.69	736.95	6	44.22								
				Total	4229.19	4146.26		214.69								
			F	2016-17	0.95	0.95	5	0.05								
				2017-18	0.93	0.93	6	0.06								
				Total	1.89	1.88		0.11								
			Grand Total		4231.08	4148.14		214.80								
28.	ACT, Unit-D, Guwahati	M/s Pride Coke Pvt. Ltd. 18AADCP3865G2Z7 18730053821	C	2015-16	1020.39	1000.39	5	50.02	17.85	26.12.2017	17.85	43 (up to 7/2021)	17.85	11.51	29.36	Limited to TRAN-1 claim.
				2016-17	1067.61	1046.68	5	52.33								
				2017-18	630.49	618.13	6	37.09								
				Total	2718.49	2665.2		139.44								
29.	ACT, Unit-D, Guwahati	M/s Swastik Systems 18AFHPJ2333P1Z5 18200105086	C	2015-16	25.32	24.83	5	1.24	10.73	27.12.2017	2.38	43 (up to 7/2021)	2.38	1.53	3.91	
				2016-17	23.20	22.74	5	1.14								
				Total	48.52	47.57		2.38								
30.	ACT, Unit-D, Guwahati	M/s Maa Kamakhya coke Industries 18AALFM3747R1ZD 18690035607	C	2017-18	429.76	421.33	6	25.28	18.74	02.12.2017 & 27.12.2017	18.74	42 (up to 7/2021)	18.74	11.81	30.55	Limited to TRAN-1 claim.
31.	ACT, Unit-D, Guwahati	M/s Star Venture Marketing Pvt. Ltd. 18AAOCS7223A1ZE 18560145434	C	2015-16	2.84	2.78	5	0.14	10.94	27.12.2017	2.71	42 (up to 7/2021)	2.71	1.71	4.42	
				2016-17	38.47	37.72	5	1.89								
				2017-18	11.65	11.42	6	0.69								
				Total	52.96	51.92		2.71								
32.	ACT, Unit-D, Guwahati	M/s Jyothy Laboratories Ltd 18AAACJ3213BAZO 18800031812	C	2015-16	104.93	102.88	5	5.14	36.49	18.10.2017	36.49	45 (up to 7/2021)	36.49	24.63	61.12	Limited to TRAN-1 claim.
				2016-17	249.25	244.26	5	12.22								
				Total	354.19	347.24		17.36								
			H	2017-18	519.18	519.18	6	31.15								
			Grand Total		873.37	866.42		48.51								
33.	ACT, Unit-D, Guwahati	M/s Shivam Coal Trade 18CYPM51354K4ZQ 18960172762	C	2015-16	59.78	58.61	5	2.93	4.73	12.12.2017	4.73	43 (up to 7/2021)	4.73	3.05	7.78	Limited to TRAN-1 claim.
				2017-18	45.11	44.22	6	2.65								
				Total	104.89	102.83		5.58								

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN & TIN	Type of statutory Form pending	Forms pertains to the year	Value of pending Forms	Net value of Goods excluding tax	Minimum tax leviable	Minimum Tax calculated (Per centum)	Claims of transitional credit as per TRAN - 1	Date of transitional credit in the ECL	Disallowed amount of Tran-1 claim	Period of interest calculated	Disallowed Money Value		Total (Tax + Interest)	Remarks
													Tax	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			H	2015-16	13.13	13.13	5	0.66								
				Grand Total	118.02	115.96		6.24								
34	ACT, Tinsukia	M/s Assam Agencies. 18AEDPG1530Q2ZE. 18960014749	C	2015-16	78.26	76.72	5	3.84	3.22	26.12.2017	3.22	45 (up to 9/2021)	3.22	2.17	5.39	Limited to TRAN-1 claim.
				2016-17	122.49	120.09	5	6.00								
				2017-18	30.09	29.50	6	1.77								
				Total	230.85	226.32		11.61								
35	ST, Naharkatia	M/s Chinar Steel Segment Pvt. Ltd. 18AACCC9981H1Z7. 19490248244	C	2017-18	111.93	109.73	6	6.58	45.91	25.08.2017	6.58	49 (up to 9/2021)	6.58	4.84	11.42	
36	ACT, Nagaon	M/s Tata Project Ltd. 18AAACT4119L1Z7. 18760082371	C	2015-16	91.46	89.67	5	4.48	97.49	19.12.2017	8.27	43 (up to 9/2021)	8.27	5.34	13.61	
				2016-17	67.11	65.80	5	3.29								
				Total	158.57	155.46		7.77								
			F	2016-17	10.00	10.00	5	0.50								
				Grand Total	168.57	165.46		8.27								
	Total								1167.8		542.05		542.05	357.64	899.69	

Appendix -XXVIII

(Reference: Paragraph 2.5.9.1)

Credit carried forward without submitting TDS certificate, challans etc.

(₹ in lakh)

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN, TIN	Claims of transitional credit as per TRAN -1	Date of transitional credit credited in the ECL	Audit finding	Total TDS claimed amount	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
1	2	3	4	5	6	7	8	9	10	11	12
1	ACT, Unit-A, Guwahati	M/s Shree Krishna Enterprise, 18ADYPC9581B2Z3, 18610148074	6.77	26.12.2017	As per annual return 2016-17, the taxpayer claimed refund amount of ₹6.77 lakh and claimed ITC carried forward to next year is zero. Further, TDS claimed ₹9.37 lakh but TDS certificate and challan was not found in the case file. (iv) As per monthly return June 2017, ITC brought forwarded from previous period ₹6.77 lakh which was not admissible due to claiming of refund ₹6.77 lakh and non-availability TDS certificate and challan ₹9.37 of in the annual return 2016-17.	9.37	0	6.77	3.96	39 (up to 03/2021)	10.73
2	ACT, Unit-A, Guwahati	M/s Simoco Telecommunications (south Asia) Ltd., 18AAECS4335F1ZF, 18680086004	19.29	06.09.2017	As per annual return 2016-17, (i) the taxpayer claimed refund amount of ₹17.13 lakh. (ii) The taxpayer claimed ITC carried forward to next year is zero. (iii) TDS claimed ₹3.03 lakh but TDS certificate and challan was not found (iv) They had paid ₹23.83 lakh but deposit challan not found. As per June-2017 return ITC brought forward from previous period ₹19.29 lakh which was not admissible due to claiming of refund in the year 2016-17 and also TDS certificate along with Challans not found in the case file.	26.06	0	19.29	12.44	43 (up to 03/2021)	31.73
3	ACT, Unit-A, Guwahati	M/s Engineering Chamber, 18AAEFE3684Q1ZQ, 18880037394,	10.81	27.12.2017	As per VAT return of June 2017, the taxpayer had carried forwarded ITC to the next period is ₹7.95 lakh. The taxpayer had also claimed against TDS	58.48	0	10.81	6.32	39 (up to 03/2021)	17.13

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN, TIN	Claims of transitional credit as per TRAN -1	Date of transitional credit credited in the ECL	Audit finding	Total TDS claimed amount	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
					an amount of ₹58.48 lakh (for the year 2015-16 is ₹27.78 lakh, 2016-17 is ₹23.27 lakh 2017-18 is ₹7.41 lakh) but TDS certificate and challans was not found in the case file. The TDS claim amount was brought forwarded from year after year. As such, the amount of ₹10.81 lakh claimed in the tran-1 return is not admissible.						
4	ACT, Unit-A, Guwahati	M/s Singhi Furnishing House, 18AIKPS1158H1ZY, 18060033674	4.83	27.12.2017	(i) As per VAT return of June 2017, TDS certificate and challan amounting to ₹0.10 lakh was not found in case file. (ii) ITC brought forward from previous period ₹4.81 lakh which was not admissible due to non-submission of deposit challans as shown in the returns for the period from 2015-16 to May 2017.	4.91	0	4.83	2.83	39 (up to 03/2021)	7.66
5	ACT, Unit-C, Guwahati	M/s M.B. Traders, 18AGZPB5279M1ZG, 18640027244	9.11	27.12.2017	As per monthly VAT return for last six months (January 2017 to June-2017), the taxpayer had claimed an amount of ₹25.04 lakh against TDS (Tax deduction at source) But TDS certificate and VAT challan was not found in support of TDS claim. As such, the amount of ₹9.11 lakh claimed in the tran-1 return is not admissible.	25.04	0	9.11	5.74	42 (up to 06/2021)	14.85
6	ACT, Unit-D, Guwahati	M/s Surya Enterprise, 18DKNPS5242A2ZO, 18600143957	7.17	27.12.2017	As per VAT annual return 2017-18 the taxpayer had claimed an amount of ₹38.79 lakh against TDS (Tax deduction at source). But TDS certificate and challan was not found in support of TDS claim. As such, transitional credit claim of ₹7.17 lakh was not admissible.	38.78	0	7.17	4.62	43 (up to 07/2021)	11.79
7	ST, Kokrajhar	M/s Krishna Enterprise, 18AAIFK8690G1ZT, 18820063520	10.26	26.10.2017	The taxpayer claimed TDS amounting to ₹26.97 lakh and ₹29.89 lakh for the month of March 2017 and June-2017	56.86	0	10.26	7.08	46 (up to 08/2021)	17.34

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN, TIN	Claims of transitional credit as per TRAN -1	Date of transitional credit credited in the ECL	Audit finding	Total TDS claimed amount	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
					respectively but TDS certificate and challan was not found in the case file. Even though, the AO mentioned in his assessment order excess due applicable subject to showing all TDS along with paid challan, resulted, transitional credit claim of ₹10.26 lakh was not admissible.						
8	ST, Kokrajhar	M/s Madan Industries & M/s. Mandal Gopal Agarwala, 18ACBPA7461L2ZI, 18070076979, 18210188064	7.67	28.10.2017	The taxpayer claimed TDS amounting to ₹0.79 lakh for the year 2016-17 but TDS certificate and challan was not found in the case file. As such, transitional credit claim of ₹0.79 lakh was not admissible.	0.79	6.88	0.79	0.55	46 (up to 08/2021)	1.34
9	ACT, Barpeta Road	M/s Thard Trading Co., 18ADRPT0842K1ZX, 18380162993	4.42	27.12.2017	The taxpayer claimed TDS amounting to ₹6.55 lakh for the period from January 2017 to June 2017 but TDS certificate and VAT deposit challan was not found in the case file. As a result, transitional credit claim of ₹4.12 lakh was not admissible.	6.55	0	4.42	2.92	44 (up to 06/2021)	7.34
10	ACT, Tinsukia	M/s Assam Agencies, 18AEDPG1530Q2ZE, 18960014749	3.21	26.12.2017	The taxpayer had claimed an amount of ₹7.76 lakh (2015-16 – ₹3.87 lakh, 2016-17 – ₹3.88 lakh, 2017-18 – ₹0.01 lakh) for the years 2015-16 to 2017-18 against TDS. But TDS certificates along with challans was not available. As a result, transitional credit claim of ₹3.22 lakh was not admissible.	7.76	0	3.21	2.17	45 (up to 09/2021)	5.38
11	ACT, Tinsukia	M/s Panna Alluminium, 18AARFP2435M1ZN, 18930164970	5.47	23.12.2017	The taxpayer had claimed an amount of ₹1.96 lakh for the years 2016-17 to 2017-18 against TDS. But TDS certificates along with challans was not available amounting to ₹0.38 lakh out of ₹1.96 lakh. As a result, transitional credit claim of ₹0.38 lakh was not admissible.	0.38	5.09	0.38	0.26	45 (up to 09/2021)	0.64
12	ACT, Tinsukia	M/s Assam Electricals, 18AAFFA6934N1ZO, 18930023350	16.51	21.11.2017	The taxpayer was claimed TDS amounting to ₹0.24 lakh for the period from April-	0.14	16.37	0.14	0.01	46 (up to 09/2021)	0.15

Audit Report (Revenue Sector) for the year ended 31 March 2020

Sl. No.	Name of the auditee unit	Name of the Taxpayer, GSTIN, TIN	Claims of transitional credit as per TRAN -1	Date of transitional credit credited in the ECL	Audit finding	Total TDS claimed amount	Actual credit should be	Excess credit (Tax)	Interest	Interest calculated up to (Months)	Total (Tax + Interest)
					2017 to June 2017. But TDS certificate amounting to ₹0.14 lakh out of ₹0.24 lakh not found in the case file. As a result, transitional credit claim of ₹0.14 lakh was not admissible.						
13	ACT, Jorhat	M/s Win Power Infra Pvt. Ltd, 18AAACW4060D1ZL, 18180101605	242.40	25.10.2017	The taxpayer claimed refund amount of ₹217.81 lakh for the year 2016-17 and ITC carried forward to next year is zero. But in the monthly return of April 2017, ITC balance brought from previous period shown as ₹217.81 lakh which is incorrect. Further, the taxpayer claimed against TDS of ₹351.00 lakh for the year 2016-17 but TDS certificate and challan were not found amounting to ₹149.43 lakh Hence, transitional credit claim of ₹242.40 lakh was not admissible.	149.43	0	242.40	170.89	47 (upto 9/2021)	413.29
14	ST, Dhekiajuli	M/s City Promoter & Buildwell Pvt. Ltd, 18AAACC4797R1ZS, 18470175893	34.15	20.09.2017	The taxpayer was claimed TDS amounting to ₹176.57 lakh (2015-16 - ₹28.62 lakh, 2016-17- ₹104.46 lakh & 2017-18 - ₹43.49 lakh) for the years from 2015-16 to 2016-17. But TDS certificate amounting to ₹176.57 lakh was not found in the case file. As a result, transitional credit claim of ₹34.15 lakh was not admissible.	176.57	0	34.15	24.59	48 (upto 9/2021)	58.74
15	ACT, Dibrugarh	M/s Konstelec Engineers Pvt. Ltd., 18AAACK2747D1ZR, 18250159039	6.32	25.10.2017	The taxpayer was claimed TDS amounting to ₹12.32 lakh for the years from 2015-16. But TDS certificate amounting to ₹12.32 lakh was not found in the case file. As a result, transitional credit claim of ₹6.32 lakh was not admissible.	12.32	0	6.32	4.36	46 (upto 08/2021)	10.68
	Total		388.39			573.44	28.34	360.05	248.74		608.79

Appendix-XXIX

(Reference: Paragraph 2.5.9.1)

Transitional Credit claimed without filing legacy returns:

(₹ in lakh)

Sl. No.	Name of Unit	Name of Taxpayer	GSTIN, TIN	Date of transitional credit in the ECL	Claims of transitional credit as per TRAN -1	Interest	Interest calculated up to (in Months)	Total (Tax + Interest)
1	ACT, Unit-D, Guwahati	M/s Vishal Hardware	18AHZPD9193K1ZB,, 18040078984	25.08.2017	6.38	4.50	07/2021 (47 M)	10.88
2	ACT, Bongaigaon	M/s Ram San Enterprise	18AQPP8006B1ZM, 18650221287,	29.11.2017	13.29	8.97	08/2021 (45 M)	22.26
3	ACT, Tezpur	Jamuguri Hardware	18AAKFJ0361P1ZX, 18710192930	27.12.2017	9.23	6.09	08/2021 (44 M)	15.32
4	ACT, Silchar	M/s Baid & Sons	18AJDPB6251E1ZM, 18540083559	19.12.2017	31.40	21.66	10/2021 (46M)	53.06
5	ACT, Unit-D, Guwahati	M/s Skipper Ltd.	18AADCS7272A5ZC, 18310240098	18.10.2017	6.55	4.42	07/2021 (45 M) (	10.97
6	ST, Goalpara	M/s Fuel Source (India) Pvt. Ltd.	18AAACF2978B2ZQ, 18470138742,	04.09.2017 27.12.2017	5.08	3.66	08/2021 (48 M)	8.74
7	ACT, Bongaigaon	M/s Paharpur Cooling Towers Ltd.,	18AABCP8017C1ZO, 18430077557	26.12.2017	196.96	129.99	08/2021 (44 M)	326.95
8	ACT, Unit-C, Guwahati	M/s Nilanchal Seeds Growers Society	18AACAN4023B1Z5, 18450210727	26.12.2017	4.73	2.98	06/2021 (42 M)	7.71
Total					273.62	182.27		455.89

Appendix-XXX

(Reference: Paragraph 2.5.9.1)

Irregular carried forward of ITC without purchase details

(₹ in lakh)												
Sl. No.	Name of the Auditee Units	Name of the Taxpayers, GSTIN / TIN	Transitional credit claimed amount	Date of transitional credit in the ECL	Period for which ITC claimed	ITC claimed amount	Part G filled/ partially filled	Irregular ITC due to Part G not filled	Interest	Interest calculated up to in months	Total (Tax + Interest)	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
1	ACT, Unit-D, Ghy.	M/s DRS Enterprise, 18ACBPJ5697F1ZD/ 18390090965	11.66	26.12.2017	January to June 2017	14.08	12.86	1.22	0.79	07/2021 43 M	2.01	
2	ACT, Unit-D, Ghy	M/s Manas Enterprise, 18AJQPP3553J1ZL/ 18980037145	7.16	02.09.2017	January to June 2017	52.28	46.02	6.26	4.41	07/2021 47 M	10.67	
3	ACT, Nagaon	M/s J.J. Distributor, 18AEUPB4436P1ZU /18980037145	15.76	22.10.2017	January to June 2017	107.44	0	15.76	11.11	09/2021 47 M	26.87	Limited to Transitional claim
4	ACT, Nagaon	M/s Juharmal Jaskarn, 18AFNPB3687G1Z7/ 18410007340	25.12	26.12.2017	January to June 2017	185.78	0	25.12	16.95	09/2021 45 M	42.07	Limited to Transitional claim
5	ACT, Nagaon	M/s Assam Machinery Stores, 18AAFHA8014H1ZI /18320006856	25.45	27.12.2017	January 2017 to June 2017	7.72	8.50	0.78	0.52	09/2021 45 M	1.30	
	Total		89.15			367.30	67.38	49.14	33.78		82.92	

Appendix-XXXI
(Reference: Paragraph 3.3)
Statement showing outstanding establishment charges

Sl. No.	Name of the Distillery/ wholesale warehouse	Month for which establishment charges are due	Amount of Excise duty and VAT outstanding (position as on)	No. of Excise personnel posted	Establishment charges to be realised (Amount in ₹)	Date of issue of demands (illustrative only)
1	M/s Dynasty Wholesale Warehouse, Nagaon	September 2017 to March 2019	Excise duty= ₹ 2.09 crore VAT= ₹ 1.34 crore (as on 4 October 2016)	1 to 2	14,88,631	29 July 2019
2	M/s United Enterprise Wholesale Warehouse, Nagaon	January 2018 to March 2019	Excise duty= ₹ 35.28 lakh VAT= ₹ 23.27 lakh (as on 24 February 2021)	2	10,29,694	8 February 2018
3	M/s S.B Wholesale Warehouse, Cachar, Silchar	May 2017 to March 2019	Excise duty= Nil VAT= ₹ 3.12 crore (as on 19 January 2019)	3 to 4	29,85,203	6 June 2017, 6 June 2018
4	M/s B. D Bonded Warehouse, Jorhat	July 2017 to March 2019	Excise duty= ₹ 4.72 lakh VAT= ₹ 2.69 lakh (as on 18 June 2018)	2	16,74,550	3 March 2018
5	M/s Jorhat Bonded Warehouse, Jorhat	June 2018 to March 2019	Excise duty= ₹ 57.76 lakh VAT= ₹ 34.39 lakh (as on 22 June 2018)	2	7,62,736	Demand issued but date not mentioned
6	M/s Surma Wholesale Warehouse, Karimganj	November 2018 to November 2019	Excise duty= ₹ 1.39 crore VAT= ₹ 1.36 crore (as on 8 August 2019)	2	10,15,727	11 November 2019 & 3 October 2020
Total					89,56,541	

Appendix-XXXII
(Reference: Paragraph 4.3)

Statement showing expiry of fitness of Transport (T) and Non-Transport (NT) vehicles under the DTOs

(Amount in ₹)

Sl. No.	Name of the DTO	Type/ category of vehicle	No. of defaulting vehicles	Period of expired Fitness Certificates (FC) as per MIS Report of 'VAHAN' database	Rate	Testing fee realisable	Certificate renewal fee realisable @ ₹ 200/-	Fine leviable @ ₹ 50/- per day from the date of expiry of FC	Total
1	Cachar	LMV	2917	01/04/2017 to 30/03/2019	400	11,66,800	5,83,400	4,85,03,250	5,02,53,450
		MMV/HMV	318	01/04/2017 to 30/03/2019	600	1,90,800	63,600	41,71,450	44,25,850
		Sub Total	3235			13,57,600	6,47,000	5,26,74,700	5,46,79,300
2	Dibrugarh	LMV	1579	01/04/2017 to 31/03/2019	400	6,31,600	3,15,800	2,24,26,450	2,33,73,850
		MMV/HMV	198	07/04/2017 to 30/03/2019	600	1,18,800	39,600	24,54,650	26,13,050
		Sub Total	1777			7,50,400	3,55,400	2,48,81,100	2,59,86,900
3	Golaghat	LMV	1255	03/04/2017 to 31/03/2019	400	5,02,000	2,51,000	2,11,41,150	2,18,94,150
		MMV/HMV	169	03/04/2017 to 31/3/2019	600	1,01,400	33,800	24,82,650	26,17,850
		Sub Total	1424			6,03,400	2,84,800	2,36,23,800	2,45,12,000
4	Kamrup (Metro)	LMV	6210	01/04/2018 to 31/03/2019	400	24,84,000	12,42,000	4,42,83,800	4,80,09,800
		MMV/HMV	714	04/04/2018 to 30/03/2019	600	4,28,400	1,42,800	50,50,450	56,21,650
		Sub Total	6924			29,12,400	13,84,800	4,93,34,250	5,36,31,450
5	Nagaon	LMV	938	02/04/18 to 30/3/2019	400	3,75,200	1,87,600	86,95,300	92,58,100
		HMV	58	04/05/18 to 30/3/2019	600	34,800	11,600	3,75,250	4,21,650
		Sub Total	996			4,10,000	1,99,200	90,70,550	96,79,750
6	Nalbari	LMV	778	04/04/2017 to 28/03/2019	400	3,11,200	1,55,600	1,30,78,100	1,35,44,900
		MMV/HMV	90	15/05/2017 to 28/3/2019	600	54,000	18,000	11,21,400	11,93,400
		Sub Total	868			3,65,200	1,73,600	1,41,99,500	1,47,38,300
7	Dhubri	LMV	545	10/07/2017 to 31/03/2019	400	2,18,000	1,09,000	63,62,450	66,89,450
		MMV/HMV	127	01/07/2017 to 31/03/2019	600	76,200	25,400	13,34,800	14,36,400
		Sub Total	672			2,94,200	1,34,400	76,97,250	81,25,850
8	Goalpara	LMV	548	22/06/2017 to 31/03/2019	400	2,19,200	1,09,600	41,99,100	45,27,900
		MMV/HMV	30	19/10/2017 to 29/03/2019	600	18,000	6,000	2,89,650	3,13,650
		Sub Total	578			2,37,200	1,15,600	44,88,750	48,41,550
9	Jorhat	LMV	327	01/05/2018 to 31/03/2019	400	1,30,800	65,400	22,77,950	24,74,150
		MMV/HMV	55	17/05/2018 to 28/03/2019	600	33,000	11,000	3,52,450	3,96,450
		Sub Total	382			1,63,800	76,400	26,30,400	28,70,600
10	Sivsagar	LMV	1498	06/04/2017 to 31/3/2019	400	5,99,200	2,99,600	2,50,76,850	2,59,75,650
		MMV/HMV	236	03/04/2017 to 30/3/2019	600	1,41,600	47,200	30,39,650	32,28,450

Sl. No.	Name of the DTO	Type/ category of vehicle	No. of defaulting vehicles	Period of expired Fitness Certificates (FC) as per MIS Report of 'VAHAN' database	Rate	Testing fee realisable	Certificate renewal fee realisable @ ₹ 200/-	Fine leviable @ ₹ 50/- per day from the date of expiry of FC	Total
	Sub Total		1734			7,40,800	3,46,800	2,81,16,500	2,92,04,100
11	Udalguri	LMV	495	06/04/2017 to 31/03/2019	400	1,98,000	99,000	75,97,900	78,94,900
		MMV/HMV	116	20/04/2017 to 31/3/2019	600	69,600	23,200	14,96,400	15,89,200
	Sub Total		611			2,67,600	1,22,200	90,94,300	94,84,100
Grand Total			19,201			81,02,600	38,40,200	22,58,11,100	23,77,53,900

Note :- Period of default of fitness certificates in some cases more than one year. To avoid ambiguity, calculation of non-realisation of renewal fee has been considered for one year only.

Appendix-XXXIII

(Reference: Paragraph 5.3.4.2)

Details of fund sanctioned vis-à-vis release of fund against Annual Plan of Operation of Kaziranga Tiger Reserve (KTR)

(₹ in lakh)

Year	Amount approved as per APO			Amount sanctioned/ release			Amount short release out of		Amount released to KTR + revalidation of outstanding amount	Amount short released to KTR out of fund available
	CS	SS	Total	CS	SS	Total	CS	SS		
2015-16	1083.51	55.52	1139.03	1025.13	0	1025.13	58.38	55.52	610.37	414.76
2016-17	1495.03	166.11	1661.14	622.94	166.11	789.05	872.09	0	789.05 + 414.76	0
2017-18	1407.84	156.43	1564.27	1126.27	112.63	1238.9	281.57	43.8	797.46	441.44
2018-19	1839.6	204.4	2044	1030.25	103.03	1133.28	809.35	101.37	996.45+ 441.44	136.83
2019-20	2053.05	228.12	2281.17	1290.03	129	1419.03	763.02	99.12	1419.09 + 136.83	0
Total	7879.03	810.58	8689.61	5094.62	510.77	5605.39	2784.41	299.81	5605.39	

Appendix-XXXIV

(Reference: Paragraph 5.3.5.2)

Details of Plantation executed under APFBC scheme under Kamrup West (T) during 2013-14 to 2016-17

Types of Plantations	Target	Location	Inspection Done by	Date of Inspection	Gist of Inspection Report
Bondapara Range					
NTFP (2013-14)	20	Nampather	Assistant Conservator of Forest (ACF)	17-04-2015	Bhomora, Amlokhi, Arjun, Tetali, Silikha 1) No site nursery 2) Area less than 20 ha
			ACF	16-09-2015 & 14-10-2015	1) Barbed wire fencing was provided 2) Area is found less than 20 ha 3) Arjun, Bhomra, Amlokhi, Hilikha 4) No Site Nursery created Survival percentage is about 35% to 40%
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 25% to 30%
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 20%
MHW (2013-14)	20	Nampather	ACF	17-04-2015	Arjun, Ajhar, Sisu, Gamari 1) A small site nursery was created but not maintained 2) Area less than 20 ha
			ACF	16-09-2015 & 14-10-2015	1) Barbed wire fencing was provided 2) Arjun, Ajhar, Sisoo, Gamari 3) Site Nursery created Survival percentage is about 30% to 40%
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 30% to 35%
ANR (2013-14)	20	Nampather	ACF	17-04-2015	1) No site nursery 2) Area less than 20 ha 3) Barbed Fencing was provided only on road side
			ACF	16-09-2015 & 14-10-2015	1) Barbed wire fencing was provided 2) No Site Nursery was created 3) Area is less than 20 ha Survival percentage is about 30% to 35%
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 30% to 35%
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is less than 10%
NTFP (2014-15)	25	Nampather (Garojani)	ACF	17-04-2015	1) No site nursery 2) Area less than 20 ha 3) Barbed Fencing was provided only on road side
			ACF	16-09-2015 & 14-10-2015	1) Barbed wire fencing was provided 2) No Site Nursery was created 3) Area is less than the actual area Survival percentage is about 30% to 35%
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 30% to 40%
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is less than 15%
NTFP (2014-15)	50	Nampather	ACF	17-04-2015	1) No site nursery 2) Area less than 20 ha

Types of Plantations	Target	Location	Inspection Done by	Date of Inspection	Gist of Inspection Report		
					3) Fencing was not provided in vulnerable points		
			ACF	16-09-2015 & 14-10-2015	1) Fencing was not provided		
					2) No Site Nursery was created		
					Survival percentage is about 40% to 50%		
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 25% to 35%		
DCF, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is less than 15%					
MHW (2014-15)	20	Nampather	ACF	17-04-2015	1) No site nursery		
					2) Area less than 20 ha		
					3) Fencing was not provided		
			ACF	16-09-2015 & 14-10-2015	1) Fencing was not provided		
					2) No Site Nursery was created		
					3) Area is less than the actual area		
Survival percentage is about 30% to 40%							
ACF	22-02-2016 & 27-03-2016	Survival percentage is about 25% to 35%					
MHW (2014-15)	40	Nampathar RF	ACF	16-09-2015 & 14-10-2015	1) Barbed wire fencing was provided		
					2) No Site Nursery was created		
					Survival percentage is about 50% to 60%		
			ACF	22-02-2016 & 27-03-2016	Survival percentage is about 40% to 50%		
DCF, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is less than 2%					
Sal Coppice (2016-17)	100	Mahipara RF	ACF, DFO	19-06-2017	1) Saplings of Sal Coppice already existed		
					2) 1750 nos. of Pillars need to install		
					3) 0.5 ha barnt as reported by DFO		
			4) Chained link fencing was not done as repoted by DFO				
DCF, O/o the CCF (R & WPlan)	27-04-2018	Full of Sal Coppice					
Singra Range							
MHW (2013-14)	20	Luki, Luki RF	ACF	07-06-2015 & 09-06-2015	1) Fencing was provided in the road side		
			RO	05-11-2016	2) Area is shortfall from 6 to 8 ha		
					3) Arjun, Bhomra, Amlokhi, Hilikha		
NTFP (2013-14)	20	Rowmari, Luki RF	ACF	07-06-2015 & 09-06-2015	Survival percentage is 40%		
					RO	05-11-2016	1) Fencing was provided in the road side
							2) Area comes under 10 ha
			3) No site nursery				
			CF	04-04-2017	Survival percentage is 65%		
					1) The area is 8.7 ha		
					2) Arjun, Jamun, Amlakhi, etc		
Survival percentage was 30%							
ACFs, O/o the CCF (T) CAC)	20-03-2018	1) The area is 7.620 ha					
		2) Arjun, Jamun, Amlakhi, etc					
		Survival percentage was 25%					
ANR (2013-14)	20	Haldibari, Luki RF	ACF	07-06-2015 & 09-06-2015	1) No sign board, protection works		
					2) Area comes quite less then the actual		
					3) Covered heavy weeds.		
RO	05-11-2016	Survival percentage is 62%					
NTFP (2014-15)	30		ACF	07-06-2015 & 09-06-2015	1) Barbed wire fencing was in the road side		
					2) Actual Area is 18 ha		

Types of Plantations	Target	Location	Inspection Done by	Date of Inspection	Gist of Inspection Report
		Barodova, Barodova RF			3) Site nursery is there
			RO	05-11-2016	Survival percentage is 63%
			CF	04-04-2017	1) The area is 26 ha
					2) Arjun, Bhomra, Jamun, Amlakhi, Bamboo <i>etc</i>
					3) Illegal grazing
			ACFs, O/o the CCF (T) CAC)	03-03-2018	Survival percentage was 65%
					1) Area was found as 26 ha
					2) Encroachment noticed
DCFs, O/o the CCF (R & WPlan)	27-04-2018	3) Area was infested with heavy weeds			
		Survival percentage 35%			
NTFP (2014-15)	20	Nampathar, Nampathar RF	ACF	07-06-2015 & 09-06-2015	1) Barbed wire fencing was in the road side
					2) Area is found below 10 ha
			RO	05-11-2016	3) Arjun, Bhomra, Amlokhi, Hilikha
					4) Site Nursery was created
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 60%
MHW (2014-15)	30	Nampathar, Nampathar RF	ACF	07-06-2015 & 09-06-2015	Survival percentage is less than 5%
					1) Barbed wire fencing was in the road side
			RO	05-11-2016	2) Area is found below 10 ha
					3) Arjun, Bhomra Amlokhi <i>etc</i>
DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 65%			
NTFP (2014-15)	10	Rowmari, Luki RF	CF	04-04-2017	Survival percentage is less than 5%
					1) Area is found 6 ha
			ACFs, O/o the CCF (T) CAC	20-03-2018	2) Arjun, Bahera, Amlokhi
					1) Area was found as 4.77 ha
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage 8%
MHW (2014-15)	5	Jarikhuri RF	RO	05-11-2016	Survival percentage is less than 2%
MHW (2014-15)	5	Jarikhuri RF	RO	05-11-2016	Survival percentage is 5%
NTFP (2014-15)	25	Luki RF	RO	05-11-2016	Survival percentage is 70%
MHW (2014-15)	5	Moman RF	RO	05-11-2016	Survival percentage is 1%
MHW (2016-17)	25	Nampathar RF	RO	05-11-2016	Survival percentage is 98%
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 60%
Loharghat Range					
ANR (2013-14)	20	Gultipathar , Borduar RF	RO	18-10-2015	Survival percentage is 30%
			CF	05-04-2017	Could not be inspected
			ACFs, O/o the CCF (T) CAC	20-03-2018	1) Area was found as 20 ha
					2) Arjun, Madhurima, Jalphai, Teak, Amlakhi
					Survival Percentage was 22%

Types of Plantations	Target	Location	Inspection Done by	Date of Inspection	Gist of Inspection Report
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 5%
NTFP (2013-14)	20	Ouguri, Mayang RF	RO	18-10-2015	Survival percentage is 35%
			CF	05-04-2017	Could not be inspected
			ACF	13-05-2017	1) Species mentioned in plantation Jounel was not found in actual
			ACFs, O/o the CCF (T) CAC	20-03-2018	Could not be inspected
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 0%
MHW (2013-14)	30	Singimari	ACF	25-04-2015	1) 60% Plantation area was burnt down by fire
					2) The Plantation is a total failure
					3) Not a single seedling could be traced out
					4) The area was not congenial for plantation as it was a highly a grazing prone area.
					Shifted to Manikpur in Barduar RF
			RO	18-10-2015	Survival percentage is 70%
			CF	05-04-2017	Could not be inspected
			ACF	13-05-2017	Survival percentage is 30%
			ACFs, O/o the CCF (T) CAC	20-03-2018	1) Area was found as 7.694 ha 2) Bhomra, Sillikha, Teak, Amlakhi Survival Percentage was 10%
			DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 20%
Bamunigaon Range					
ANR (2013-14)	20	Mathurapur i, Milmilla RF	CF	05-04-2017	1) Area is found correct
					2) Arjun, teak etc
					Survival percentage is 10%
			ACF	13-05-2017	1) Species mentioned in plantation Jounel was not found in actual 2) Area was found as 8-9 ha
			ACFs, O/o the CCF (T) CAC	24-01-2018	1) Bhomra, Sillikha, Teak, Amlakhi Survival Percentage was 29%
DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 5%			
Kulshi Range					
ANR (2013-14)	20	Sanyashi	DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 0%
MHW (2013-14)	25	Pantan	DCFs, O/o the CCF (R & WPlan)	27-04-2018	Survival percentage is 5%

Appendix-XXXV

(Reference: Paragraph 5.3.5.2)

Details of Plantation executed under APFBC scheme under Nagaon (T) during 2013-14 to 2016-17

Sl No.	Sites/JFMC	Area (in ha.)	Category	Year of creation	Survival % as per inspection of DFO	Survival % as per inspection of CF	Comments by CF(NAC)
Northern Range, Salona							
1	Borhulla Bhagekhaiti area	55	Sal Regeneration	2014-15	60%	20%	Plantation area was taken up within established Sal plantation and regeneration of Sal seedling cannot be grown up in absence of open canopy.
2	Haspani Area of South Dizu R.F	10	NTFP	2013-14	85%	60%	Well established
3		30	MHW	2014-15	70%	60%	Well established
4		10	MHW	2013-14	85%	60%	Well established
5	Lalpahar P.R.F	20	ANR	2013-14	60%	40%	
6	Baghekhaity JFMC	20	Firewood	2015-16	60%	20%	The plantation appears to be damaged by excessive grazing and biotic interference. Good number of saplings found survived in few pockets especially high land areas. Very few saplings planted in low lying areas found survived.
7	Rekhpahar JFMC	20	Firewood	2015-16	40%	20%	A good portion of plantation area is under encroachment and planted tea saplings by the encroacher. The saplings planted in 1st year have growth and scattered distributed. The plantation area beyond 100 metre could not be assessed due to thick jungle. The creation of plantation was reported to start in late August and without having seedling stock in hand.
8	Borghat JFMC	20	Firewood	2015-16	30%	40%	Weeding has been carried out in 3 ha area. About 60% survival rate was observed in that area. The remaining planting area could not be assessed properly due to thick jungle. Weeding and vacancy filling required.
Kathiatoli Rang							
9	Kafitoli Centre	40	NTFP	2014-15	75%	40%	Around 2-3 ha area was found out of weeds and remaining area covered with thick jungle and need immediate weeding.
10	Tenga Pani Centre	5	MHW	2013-14	75%	40%	The plantation was suppressed by very heavy weeds especially climbers and found difficult to trace plants amidst weeds. Need urgent weeding.
11	Kafitoli Centre	100	Sal Regeneration	2014-15	65%	40%	Around 3-4 ha of plantation area was inspected where 50-60 % survival was observed. Very scanty seedlings were observed in remaining areas and seedlings were not visible due to thickets. Planting areas appears to be behind targeted area of 100 ha. Need intensive weeding and vacancy filling.
Kampur Range							
12	Longjup Pahar	10	NTFP	2013-14	70%	20%	Very few seedlings were visible scattered and covered with heavy weed. Late planting in creation year and poor maintenance in subsequent years lead the plantation to poor stocks.

Sl No.	Sites/JFMC	Area (in ha.)	Category	Year of creation	Survival % as per inspection of DFO	Survival % as per inspection of CF	Comments by CF(NAC)
13	Longjup Pahar	10	MHW	2013-14	70%	20%	Very few seedlings were visible scattered and covered with heavy weeds. Late planting in creation year and poor maintenance in subsequent years lead the plantation to poor stocks.
14	Longjup Pahar	30	ANR	2013-14	80%	40%	Very few seedlings were visible scattered and covered with heavy weeds. Late planting in creation year and poor maintenance in subsequent years lead the plantation to poor stocks.
15	Padumoni JFMC	20	Firewood	2015-16	40%	50%	The initial start-up of planting was reportedly not up-to the mark. The revival of planting is being done with the fund meant for maintenance.
16	Madhab Para JFMC	20	Firewood	2015-16	20%	50%	The initial start-up of planting was reportedly not up-to the mark. The revival of planting is being done with the fund meant for maintenance.
17	Kandapara JFMC	20	Firewood	2015-16	40%	50%	The initial start-up of planting was reportedly not up-to the mark. The revival of planting is being done with the fund meant for maintenance.
Western Range Dharamtul							
18	Burarajagaon Kholahat R.F.	20	NTFP	2013-14	55%	30%	Survival of seedling was not up-to the mark. Need intensive weeding followed by planting.
19	Silchang area Kholahat RF	20	MHW	2013-14	60%	30%	Survival of seedling was not up-to the mark. Need intensive weeding followed by planting.
20	Mohkuli area, Kholahat R.F.	20	ANR	2013-14	55%	30%	Survival of seedling was not up-to the mark. Need intensive weeding followed by planting.
21	Santipur area Kholahat R.F	70	Sal Regeneration	2014-15	60%	70%	Survival rate of planted seedlings was found encouraging. Need protection from cattle grazing throughout the year and timely weeding.
22	Amjari area	25	Sal Regeneration	2014-15	50%	40%	Vacancy filling & weeding required
23	Ampakhi Area	20	MHW	2014-15	50%	50%	Survival of seedling was found up-to the mark and need intensive weeding followed by planting.
24	Bura Rojagaon JFMC	20	Firewood	2015-16	70%	40%	The plantation area is along the road and nearby village and hence badly affected by cattle grazing. Need early vacancy filling & weeding.
25	Silchang Bengana Bari JFMC	20	Firewood	2015-16	80%	60%	The plantation area is nearby village and hence badly affected by cattle grazing. Need early vacancy filling & weeding.
26	Daponibori JFMC	20	Firewood	2015-16	50%	40%	The plantation area is along the road and nearby village and hence badly affected by cattle grazing. Need early & intensive vacancy filling & weeding.
Morigaon Range, Morigaon							
27	Mahesh Dham area of Tetelia Baghara RF	5	MHW	2013-14	35%	20%	The initial commencement of planting was reportedly not up to the mark. The plantation area is also rocky hillock where very little plant-able area was available.

Sl No.	Sites/JFMC	Area (in ha.)	Category	Year of creation	Survival % as per inspection of DFO	Survival % as per inspection of CF	Comments by CF(NAC)
							There are Teak saplings scattered seen here and there.
28		10	NTFP	2013-14	30%	20%	The initial start-up of planting was reportedly not up-to the mark. The plantation area is also rocky hillock where very little plant-able area was available. There are Teak saplings scattered seen here and there.
29	Mahesh Dham area of Tetelia Baghara	10	ANR	2013-14	60%	20%	The initial commencement of planting was reportedly not up to the mark. The plantation area is also rocky hillock where very little plant-able area was available. There are Teak saplings scattered seen here and there.
30	Boghora Ghuli gaon under Morigaon Range	5	ANR	2013-14	30%	20%	Natural regeneration of Sal is very scanty and no sufficient efforts was put on to aid the natural regeneration.
31	Boha PRF	50	Block Plantation	2016-17	85%	70%	The 1st year planted saplings reportedly suffered heavy mortality due to planting in inappropriate time. However, plantation was made successful by planting intime with healthy stocks of seedlings and reached up to the present status. Needs intensive & regular maintenance to achieve the target of 100% success plantation.
32	Tetelia Boghora RF	50	Block Plantation	2016-17	85%	60%	The 1st year planted saplings reportedly suffered heavy mortality due to planting in inappropriate time. However, plantation was made successful by planting intime with healthy stocks of seedlings and reached up to the present status. Need intensive & regular maintenance to achieve the target of 100% success plantation.
		785 ha					

Appendix-XXXVI

(Reference: Paragraph 5.3.5.2)

Details of Plantation executed under APFBC scheme under Kamrup East (T) during 2013-14 to 2016-17

Year	Types of Plantations	Area (in ha)	Amount Utilised for (in ₹)			Survival % -age	Remarks
			Creation	Maintenance	Total		
Guwahati Rang							
2015-16	MHW	12	90,552	18,480	1,09,032	25	
2015-16	MHW	8	60,368	12,320	72,688	45	
2015-16	MHW	27	2,03,740	41,580	2,45,320		
2015-16	MHW	35	2,64,110	53,900	3,18,010	25	
Rani Range							
2013-14	ANR	40	2,52,230	2,92,642	5,44,872	25	Out of 60 ha only 30 ha maintained.
2013-14	MHW	60	3,36,000	7,49,070	10,85,070	30	
2014-15	MHW	20	1,44,060	1,41,050	2,85,110	50	
2014-15	Sal Regene-ration	40	7,14,640	4,95,275	12,09,915		
2015-16	MHW	2	15,092	10,780	25,872	60	
2015-16	MHW	2	15,092	34,170	49,262	50	
2015-16	MHW	1	7,546	5,390	12,936	50	
Sonapur Range							
2013-14	MHW	10	55,940	1,38,690	1,94,630		
2013-14	MHW	20	1,12,000	4,29,280	5,41,280	<10	
2013-14	NTPFP	10	69,060	1,03,250	1,72,310		
2014-15	MHW	20	1,44,060	2,67,930	4,11,990	<10	
2014-15	NTPFP	35	2,41,815	1,19,070	3,60,885	<10	
2015-16	MHW	5	37,730	12,320	50,050	25	
South Guwahati Range							
2013-14	ANR	10	1,19,270	63,920	1,83,190	40	
2013-14	MHW	20	1,41,650	2,92,841	4,34,491	45	
2013-14	NTPFP	10	69,000	92,060	1,61,060		
2014-15	MHW	10	58,800	1,04,650	1,63,450	60	
2014-15	NTPFP	30	1,54,350	3,50,850	5,05,200	45	
2014-15	Sal Regene-ration	50	4,92,450	6,88,800	11,81,250		Out of 50 ha only 30 ha maintained
2015-16	MHW	3	15,862	34,170	50,032	45	
2015-16	MHW	5	27,104	56,642	83,746		
2015-16	MHW	13	78,984	1,48,070	2,27,054	30	More than 50% area under encroachment
2015-16	MHW	4	31,955	45,868	77,823	40	
2016-17	MHW	100	37,61,200		37,61,200		
Palasbari Range							
2015-16	MHW	5	37,730	52,918	90,648	20	
Total		607	77,52,390	48,55,986	1,26,08,376		

Appendix-XXXVII

(Reference: Paragraph 5.3.5.3)

Details of shortfall/ excess plantations and overlapping of areas between the plantations

Sl. No.	Year of Creation Name of Scheme	Name of Division, Area (in ha) and Types of plantation	Area as per Google Earth (in ha)	Increase (+)/ Decrease (-) in Area	Cost of Creation of Plantation	Cost per ha	Amount involved against decreased area	Over-lapped with	Amount involved in Overlapped area
1	2017-18 CAMPA	Parbatjhora, 50 ha, Sal Coppice	14	(-) 36	31,77,500	63,550	22,87,800	Sl No. 1 & 2 (1 ha)	86,200
2	2018-19 CAMPA	Parbatjhora, 40 ha, Sal Coppice	29	(-) 29	34,48,800	86,220	9,48,420		
3	2017-18 CAMPA	Haltugaon, 50 ha, Sal Coppice	62	(+) 12	50,17,500	1,00,350	-	Sl No 3 & 4 (34 ha)	21,63,420
4	2018-19 CAMPA	Haltugaon, 50 ha, Sal Coppice	53	(+) 3	31,81,500	63,630	-		
5	2016-17 CAMPA	Kachugaon, 50 ha, Afforestation	26	(-) 24	12,11,750	24,235	5,81,640	Sl no 5 & 6 (24 ha)	23,51,736
6	2018-19 CAMPA	Kachugaon, 25 ha, Afforestation	24	(-) 01	24,49,725	97,989	97,989		
7	2014-15 APFBC	Kamrup East (T), 50 ha, Sal Regeneration	36	(-) 36	13,18,640	26,373	3,69,219	Sl no 9 & 10 (14 ha)	6,14,460
8	2016-17 CAMPA	Kamrup East (T), 50 ha, Sal Plantation	51	(+) 01	21,94,500	43,890	-		
Total		No. of Division: 4	295		2,19,99,915		42,85,068		52,15,816
		Area in total: 365 ha							

Appendix-XXXVIII

(Reference: Paragraph 6.3)

Statement showing details of short levy of Stamp Duty and Registration fee

Deed No.	Nature of Deed	Circle/ Mouza	Village or Town	Class of land	Reclassified Class of land and category	Area of land	Date of registration of deed	Zonal value of reclassified land per Bigha (in ₹)	Zonal value of land considered during registration (in ₹)	Valuation of the land as per appropriate rate of zonal value of land (₹ in lakh)	Valuation of the land considered during registration of sale deed (₹ in lakh)	Value of land short considered during registration (₹ in lakh)	Stamp Duty and Registration fee short levied (3 % for Stamp Duty and 2 % for Registration) @ 5 % (₹ in lakh)
45/2019	Sale	North Guwahati/ Silasenduri Ghopa	Gouripur	Agri. land	Non-Agri. Land (Udyog)	5 Bigha & 3 lescha	24 December 2018	35,93,700	15,97,200	180.76	80.34	100.42	5.02
885/2018			Nizsindu-righopa			10 Bigha, 2 Katha & 4 lescha	3 April 2018	19,36,000	7,26,000	202.12	75.79	126.33	6.32
604/2019			Sila			8 Bigha, 2 Katha & 7 lescha	17 January 2019	26,62,000	9,68,000	225.47	81.99	143.48	7.17
Total								8191700	3291200	608.35	238.12	370.23	18.51

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