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**IN THE COMMERCIAL TAX TRIBUNAL  
UTTARAKHAND, DEHRADUN**

**Present:** Malik Mazhar Sultan, H.J.S ..... President.

**Second Appeal No. 59/2025**

**Commissioner- Commercial Tax, Uttarakhand, Dehradun. Appellant.**

Versus

**M/s. Shree Ram Metals Plot No. 34,35. IIE Ranipur Haridwar Uttarakhand.**

**Respondent.**

**Assessment year – 2013-2014,**

**First Appeal No- 534/2023,**

**Amount of disputed penalty – Rs. 65,474/-**

**For Appellant:** Shri Bhuwan Chandra Pandey

State-Representative.

**For Respondent:** Shri Tushar Singhal

Ld. Advocate.

**J U D G M E N T**

**Malik Mazhar Sultan,**

This appeal is filed against order dated 20.08.25 passed by first appellate authority in the first appeal No. 534 of 2023 (2013-2014) Central. By means of impugned order setting aside the assessment order dated 07.02.2023 the first appeal filed by the dealer/respondent was allowed. Holding form C bearing no HR/013C- 1371275 (Rs. 13,87,947.00) and form C bearing no. HR/013C- 1371260 (Rs. 30,41,269.00) as genuine and acceptable it was held by the first appellate authority that by virtue of section 8(1) of CST Act total sale amount of Rs. 44,29,216.00 covered under above mentioned form C is liable to be taxed at the rate of 1% of concessional rate.

**S/d- 07.03.2026**

(Malik Mazhar Sultan)

Second Appeal No. 59/2025,

2. Facts necessary for the disposal of this appeal are that the dealer/respondent is registered and carry out the business of manufacturing brass ingots. Accepting the admitted sale the final assessment for the year of 2013-14 under section 9 (2) of CST Act was completed on 02.03.2017. Thereafter the above mentioned assessment order was rectified under section 30 of the Act on 01.02.2020. It was held by the assessing authority in rectification order that two from C bearing no 1311260 and 1371275 covering the inter state transaction amounting to Rs. 30,41,269.00 and Rs. 13,87,947.00 respectively were got verified from the issuing authority and upon verification it was found that the said form C were issued only for the transaction amounting to Rs 15,03,334.00 and Rs 12,89,043.00 respectively. Consequently, it was held by the Ld. assessing authority by order dated 01.02.2020 under section 30 of the Act that inter state transaction amounting to Rs 16,36,839.00 (being the differential amount) were not covered by form C and thus liable to tax at full rate and rectified assessment order was passed accordingly. Against the above mentioned rectification order the dealer/respondent preferred the first appeal no. 395/2021 which was rejected by order dated 25.06.2021. This order dated 25.06.2021 was then challenged by the dealer/respondent is second appeal no. 01 of 2022. This second appeal was disposal of by the tribunal by order dated 21.03.2022 and the matter was remanded back to the assessing authority directing to pass fresh order after checking the legality and authenticity of the above mention two from C submitted by the dealer later on in original form. In compliance of the order of this tribunal dated 21.03.2022 the matter was again taken up by the assessing authority. On the basis of earlier verification report dated 13.11.2019 issued by the assessing authority of purchasing dealer ( Excise and Taxation Commissioner (ST) Sonipat, Haryana) Ld. assessing authority

again imposed 5 % of tax at prevalent rate on unverified amount of Rs 16,38,839./-. This order of assessing authority dated 07.02.2023 was challenged in first appeal no. 534/2023. This first appeal was allowed by the first appellate authority by the impugned order dated 20.08.2025 holding that the assessing authority has disregarded the order of Tribunal dated 21.03.2023 whereby the matter was remanded back with the direction that the original form C submitted by the dealer/respondent later on should be taken into consideration and the matter should be disposed of on the basis of original copy of questioned form C. It was further held by the Ld. Joint Commissioner (appeal) that in compliance of the order of this Tribunal original copy of questioned form C were submitted by the dealer/respondent before the Ld. assessing authority but the tax liability was determined on the basis of old verification report dated 13.11.2019. It was further observed by the first appellate authority that original copy of questioned form C were completely ignored and the dealer was deprived of the lawful benefit. The assessment proceeding was completed on the basis of old record only. Consequently on the basis of direction of this Tribunal original form C no. HR/013C- 1371260 and no. HR/013C-1371275 covering the inter-state transaction amounting to Rs. 44,29,216.00 were held to be lawful and acceptable and under section 8 (1) of CST Act 1 % of concessional rate of tax was imposed.

3. Aggrieved by the above mentioned impugned order dated 20.08.2025 this second appeal is filed by the tax department on the ground that Joint Commissioner (appeal) erred in overlooking that the assessing authority had already obtained the categorical certification from the issuing authority regarding the specific invoice and transaction covered by the said form C. No further verification was necessary or warranted, as the issuing authority's confirmation was conclusive and binding. Joint Commissioner (appeal) has

misapplied the judgment of this Tribunal. It is further stated that requesting the fresh verification would be contrary to principle of judicial economy and natural justice.

4. Heard the Ld. Counsel for the parties and perused the record.
5. Supporting the assessment order dated 07.02.2023 it is argued by the Ld. State representative that the assessment order was passed after due consideration of the existing verification, which fully satisfy the Tribunal direction. The impugned order is bad in Law as it result in undue benefit to the dealer. Reiterating all the grounds stated in the memo of appeal it is further argued that the impugned order is arbitrary and against Law.
6. On the other hand supporting the impugned order it is argued on behalf of the respondent that the assessing authority has disregarded the order of this Tribunal and passed the assessment order on old record/verification. Form C in original could not have been submitted earlier but submitted thereafter in compliance of the order of the Tribunal, in spite of that these original form C were never got verified by the assessing authority and the order was passed on the basis of old verification report. It is further argued that while remanding the matter for reassessment the Tribunal has categorically directed the assessing authority to pass on order afresh after checking the legality and authenticity of the said form-C directed to be submitted before assessing authority in original form.
7. On the rival contention of the parties the only point of determination involved in this matter is as fallows-

Whether under the facts and circumstances of the matter the benefit of the said form C submitted by the dealer/respondent before assessing authority should be given to him. In other words whether the first

appellate authority has rightly accepted the said form C covering the inter state transaction amounting to Rs. 44,29,216.

8. Perusal of record reveals that in assessment proceeding dealer submitted 15 form C. Out of these from C two form C bearing no 1371260 and 1371275 which were issued by the purchasing dealer Atlas Cycles (Haryana) Ltd. Sonipat were second copy. The assessing authority got these second copy verified from assessing authority of purchasing dealer. On the basis of verification report whereby an amount of Rs 16,36,839.00 was found uncovered by these form C, the assessing authority imposed the tax at prevalent rate. The matter came up before this Tribunal in a previous second appeal No. 01/2022. The Tribunal in this appeal remanded back the matter with the direction that if the dealer submits the original form C the assessing authority will get these form verified from the assessing authority of purchasing dealer and will pass the order afresh. It is uncontroverted that the dealer submitted the said form C in original before the assessing authority and the assessing authority without getting these original form C verified passed the assessment order dated 07.02.2023 on the basis of earlier verification report dated 13.11.2019 holding an amount of Rs 16,38,839.00 uncovered by these form C. This assessment order was set asited by the impugned order holding that the assessing authority has not complied with the direction of Tribunal hence the said two form C submitted by the dealer in original covering the inter state transaction amounting to Rs 44,29,216.00 are acceptable.

9. The main contention of the Ld. State representative appeared on behalf of the appellant is that once the said form C have already been verified and there is categorical verification report dated 13.11.2019 issued by the assessing authority of purchasing dealer there is no need to go through the verification process again. Conversely, the contention of Ld. Counsel for the dealer/respondent is that the order passed by first appellate authority is factually and legally correct. The assessment order dated 07.02.2023 was pass

is disregard of the direction of Tribunal. The order was passed without getting the said form C (original) verified from the assessing authority of purchasing dealer.

It is pertinent to mention here the relevant portion of the impugned order. which is as fallows-

“अतः मा० वाणिज्य कर अपील अधिकरण, देहरादून, उत्तराखण्ड के उपरोक्त निर्देश के आलोक में विवेचना से स्पष्ट है कि प्रस्तुत फार्मों में घोषित कुल विक्रय धनराशि रू० 44,29,216,00 में से रू० 27,92,377.00 की धनराशि ही सत्यापित है। अतः इस पर 1 प्रतिशत की रियायती दर से नियमानुसार करदेयता निश्चित की जायेगी एवं शेष धनराशि रू० 16,36,839,00 पर विक्रय की जाने वाली वस्तु पर प्रचलित करदेयता 5 प्रतिशत की दर से रू०-81,842.00 कर आरोपित किया गया है। इस संबंध में विद्वान फर्म अधिवक्ता द्वारा उपस्थित होकर बताया गया कि कर निर्धारण की कार्यवाही में व्यापारी द्वारा कुल 15 फॉर्म- C प्रस्तुत किए गए। इन 15 फॉर्म- C में से 13 फॉर्म- C मौलिक ( ORIGINAL) रूप में प्रस्तुत किए गए, किन्तु भूलवश फॉर्म- C संख्या 1371275 एवं 1371260, जो Atlas Cycles (Haryana) Ltd, सोनीपत द्वारा जारी किए गए थे, प्रतिलिपि (DUPLICATE) रूप में प्रस्तुत कर दिए गए। कर निर्धारण अधिकारी ने भी भूलवश उक्त डुप्लीकेट फॉर्म- C का लाभ प्रदान कर दिया। बाद में जब त्रुटि दृष्टिगोचर हुई तो संबंधित खरीददार व्यापारी के कर निर्धारण अधिकारी से उक्त डुप्लीकेट फॉर्म- C का सत्यापन करवा लिया गया, परंतु व्यापारी को मौलिक फॉर्म- C प्रस्तुत करने का अवसर देने के स्थान पर सीधे कार्यवाही कर दी गई। संयुक्त आयुक्त (अपील) राज्य कर, देहरादून के आदेश के विरुद्ध व्यापारी ने माननीय वाणिज्यिक कर ट्रिब्यूनल, उत्तराखण्ड के समक्ष द्वितीय अपील दायर की। माननीय न्यायालय के समक्ष फॉर्म- C संख्या 1371275 एवं 1371260 की मौलिक प्रति प्रस्तुत की गई, जिस पर माननीय न्यायालय ने दिनांक 21.03.2022 को आदेश पारित कर उक्त दोनों फॉर्म- C की मौलिक प्रति कर निर्धारण अधिकारी के समक्ष प्रस्तुत करने का निर्देश दिया जिसके अनुपालन में अपीलकर्ता द्वारा दिनांक 24.01.2023 को उक्त दोनों फार्मों की मूल प्रतियां संबंधित कर निर्धारण कार्यालय में मूल रूप में दाखिल की गयी, जिसकी रसीद की छायाप्रति अपील स्तर पर भी प्रस्तुत की गयी है।

अपीलकर्ता द्वारा रखे गए तथ्यों तथा कर निर्धारण अधिकारी द्वारा प्रेषित संगत वर्ष से संबंधित फार्म-सी की सूची तथा पत्रावली पर उपलब्ध साक्ष्यों का अवलोकन करने पर यह स्पष्ट होता है कि कर निर्धारण अधिकारी द्वारा दिनांक 02.03.2017 को कर निर्धारण आदेश पारित किया गया। निर्धारण के समय अपीलकर्ता द्वारा कुल 15 फॉर्म- C प्रस्तुत किए गए, जिनमें से 13 फॉर्म- C मौलिक रूप में तथा 02 फॉर्म- C (संख्या 1371275 एवं 1371260) भूलवश प्रतिलिपि (डुप्लीकेट)

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रूप में प्रस्तुत किए गए। कर निर्धारण अधिकारी द्वारा उक्त डुप्लीकेट फॉर्म स्वीकार कर लाभ प्रदान किया गया। बाद में जब त्रुटि दृष्टिगोचर हुई तो संबंधित कार्यालय से सत्यापन कराया गया, किन्तु अपीलकर्ता को मौलिक फॉर्म प्रस्तुत करने का अवसर दिए बिना ही संशोधित आदेश दिनांक 01.02.2020 पारित कर दिया गया। उक्त आदेश के विरुद्ध प्रथम अपील में आदेश की पुष्टि की गयी (दिनांक 25.06.2021)। द्वितीय अपील में माननीय वाणिज्य कर अपीलीय अधिकरण, उत्तराखण्ड ने दिनांक 21.03.2022 को यह आदेश दिया कि फॉर्म- C संख्या 1371275 एवं 1371260 की मौलिक प्रति कर निर्धारण अधिकारी के समक्ष प्रस्तुत की जाए एवं उसके आधार पर वाद का निस्तारण किया जाए। उक्त निर्देश के अनुपालन में अपीलकर्ता द्वारा दिनांक 24.01.2023 को दोनों फॉर्म- C की मौलिक प्रति कर निर्धारण अधिकारी के कार्यालय में प्रस्तुत कर दी, जिसकी रसीद अभिलेख पर उपलब्ध है। कर निर्धारण अधिकारी ने सुनवाई हेतु नोटिस दिनांक 20.01.2023 जारी किया, किन्तु आदेश दिनांक 07.02.2023 में पुनः 13.11.2019 की पुरानी सत्यापन रिपोर्ट के आधार पर ही कर देयता निर्धारित की और ट्रिब्यूनल के निर्देशानुसार प्रस्तुत मौलिक फॉर्म- C को नजरअंदाज कर दिया। यह स्पष्ट है कि ट्रिब्यूनल के स्पष्ट आदेश दिनांक 21.03.2022 की अवहेलना कर अपीलकर्ता को वैध लाभ से वंचित रखा गया।

विवेचना से यह निष्कर्ष निकलता है कि अपीलकर्ता द्वारा विवादित फॉर्म- C संख्या 1371275 एवं 1371260 की मौलिक प्रति नियमानुसार दिनांक 24.01.2023 को प्रस्तुत कर दी गई थी। उक्त मौलिक फॉर्म- C का सत्यापन ट्रिब्यूनल के निर्देश के अनुरूप कराना कर निर्धारण का कर्तव्य था, किन्तु उन्होंने पुराने अभिलेखों पर आधारित होकर आदेश पारित किया, जो न्यायसंगत नहीं है। मौलिक फॉर्म- C प्रस्तुत होने पर अपीलकर्ता को उसका वैधानिक लाभ मिलना अनिवार्य है। अतः उपलब्ध अभिलेखों एवं माननीय ट्रिब्यूनल निर्देशों के आलोक में यह आदेश पारित किया जाता है कि अपीलकर्ता द्वारा प्रस्तुत फॉर्म- C संख्या HR/013C-1371275 ( Rs 13,87,947/-) एवं HR/013C-1371260 ( Rs 30,41,269/-) को वैध एवं स्वीकार्य माना जाए। उक्त दोनों फॉर्म- C पर आच्छादित कुल बिक्री राशि Rs 44,29,216/- पर धारा 8(1) CST Act के अंतर्गत 01 % की रियायती दर से कर आरोपित किया जाता है। इस प्रकार अपील स्वीकार की जाती है तथा विवादित आदेश दिनांक 07.02.2023 में कर निर्धारण अधिकारी द्वारा उक्त दोनों फॉर्म-सी से संबंधित असत्यापित धनराशि रु०-16,36,839.00 पर भी 01 प्रति० की दर से कर आरोपित किया जाता है। इस संबंध में अपीलकर्ता द्वारा पूर्व में जमा धनराशि रु०-65,474.00 तथा अपील दाखिल करते समय चालान संख्या-0040062300514615 दिनांक 03.06.2023 को रु०-6,550.00 जमा किए गए हैं, इस प्रकार कुल रु०-72,024.00 अपीलकर्ता को नियमानुसार वापसी योग्य हैं।”

**10.** Ld. Counsel for the respondent submitted the said form C in original form which are available on record. It is clear from form C bearing No.

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HR013C-1371260 that it cover the inter state transaction amounting to Rs. 30,41,269.00 as claimed by the respondent. Likewise, form C bearing No. HR013C-1371275 relates to the inter state transaction amounting to Rs. 13,87,947.00 as claimed by the respondent. In compliance of the earlier order of this Tribunal dated 21.03.2022 whereby the matter was remanded to the assessing authority the said form in original form were submitted by the dealer before the assessing authority on 24.01.2023 as is evident from a letter written to the Deputy Commissioner(assessment) 3, State Tax, Haridwar by the Ld. Counsel of the respondent. The above mentioned order dated 24.01.2023 is also on record. In these circumstance complying with the order of this Tribunal in true sense it was the bounded to duty of the assessing authority to proceed to get these form verified from the assessing authority of purchasing dealer. Instead of taking into consideration these form the assessment order was passed on the basis of old record. In the backdrop of these circumstances Ld. first appellate authority has rightly came to the conclusion that Ld. assessing authority has outrightly ignored original form C submitted before him in compliance of the direction of Hon'ble Tribunal dated 21.03.2022 and the respondent/dealer was deprived of lawful benefit. The dealer was entitle to get the benefit of these form covering the inter state transaction to the tune of Rs. 44,29,216/-. I am of the considered opinion that Ld. first appellate authority has rightly accepted the said form as authentic and genuine and imposed the concessional rate of tax in view of section 8 (1) of CST Act.

**11.** On the basis of above discussion I am of the considered opinion that the order passed by first appellate authority deserve to be upheld and the instant appeal is liable to be rejected.

Order accordingly.

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**ORDER**

This Second appeal no 59/2025, Commissioner Sales Tax vs M/s Shree Ram Metals, is hereby dismissed and the impugned order dated 20.08.25 passed in first appeal no 534/2023 is upheld.

Let the file be consigned.

**S/d- 07.03.2026**  
(Malik Mazhar Sultan)  
President,  
Commercial Tax tribunal  
Uttarakhand, Dehradun

Dated : 7 March, 2026



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