

**GOVERNMENT OF NCT OF DELHI  
DEPARTMENT OF TRADE AND TAXES, (POLICY BRANCH)  
VYAPAR BHAWAN, I.P. ESTATE, NEW DELHI-110002**

No.F.7(436)/Policy/VAT/2012/64-70

Dated: 02.05.2012

**CIRCULAR NO. 1 OF 2012-13**

**Sub: Clarification regarding preserving of DVAT 43 by the contractors**

Sub rule (2) of rule 59 of DVAT Rules, 2005 stipulates that a person who has deducted tax under sub section (1) of section 36 A of DVAT Act, 2004 shall issue a certificate of deduction of tax in form DVAT-43. Such certificate shall be issued in triplicate. The first copy shall be furnished by the contractee to the contractor, second copy shall be attached along with the T.D.S. return as prescribed in sub rule (4) of this rule and the third copy shall be retained by the contractee for his records.

Sub section (7) of section 36A of DVAT Act, 2004 stipulates that a dealer claiming adjustment in his tax return of the amount deducted under this section shall preserve the Certificate issued to him for a period of seven years and shall produce the same to the Commissioner on demand.

However, as per clause (iv) of sub rule (1) of rule 27 and sub rule (3) of rule 28 read with forms DVAT-16 and DVAT-17, a dealer claiming adjustment in his tax return of the amount of tax deducted under section 36A is required to submit the certificate in form DVAT-43, in original, along with the DVAT return in form DVAT-16 or DVAT-17.

The above three provisions of DVAT Act and Rules read together mean that the contractee will furnish one copy of certificate in form DVAT-43 to the contractor whereas the contractor is required to submit this certificate with his DVAT return and also to preserve it for seven years.

In view of this apparent contradiction in the different provisions of DVAT Act and Rules, it is clarified that the contractor may file a photocopy of the form DVAT-43 along with the return in form DVAT-16 or DVAT-17, as the case may be. The original form DVAT-43 issued by the contractee may be preserved by the contractor and produced before the Assessing Authority whenever demanded.

This issues with the prior approval of the Commissioner VAT.

**(T.C. Sharma)**  
VATO (Policy)

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Copy forwarded for information and necessary action to:-

1. PS to the Commissioner, VAT, Department of Trade and Taxes, GNCT of Delhi, Vyapar Bhawan, I.P. Estate, New Delhi-02.
2. All Spl./Addl./Joint Commissioners, Department of Trade and Taxes, GNCT of Delhi, Vyapar Bhawan, I.P. Estate, New Delhi-02.
3. All VATOs/AVATOs Department of Trade and Taxes, GNCT of Delhi, Vyapar Bhawan, I.P. Estate, New Delhi-02.
4. AVATO (System), Department of Trade and Taxes, GNCT of Delhi, Vyapar Bhawan, I.P. Estate, New Delhi-02 for uploading the circular on the website of the department.

5. Dy. Director (R&S), Department of Trade and Taxes, GNCT of Delhi, Vyapar Bhawan, I.P. Estate, New Delhi-02.
6. The President, Sales Tax Bar Association (Regd.), Vyapar Bhawan, I.P. Estate, New Delhi
7. Guard File.

**(T.C. Sharma)**  
VATO (Policy)