

72A. Special audit.-

- (1) *If the Commissioner of Central Excise, has reasons to believe that any person liable to pay service tax (herein referred to as "such person"),-*
 - (i) *has failed to declare or determine the value of a taxable service correctly; or*
 - (ii) *has availed and utilized credit of duty or tax paid-*
 - (a) *which is not within the normal limits having regard to the nature of taxable service provided, the extent of capital goods used or the type of inputs or input services used, or any other relevant factors as he may deem appropriate; or*
 - (b) *by means of fraud, collusion, or any willful misstatement or suppression of facts; or*
 - (iii) *has operations spread out in multiple locations and it is not possible or practicable to obtain a true and complete picture of his accounts from the registered premises falling under the jurisdiction of the said Commissioner, he may direct such person to get his accounts audited by a chartered accountant or cost accountant nominated by him, to the extent and for the period as may be specified by the Commissioner.*
- (2) *The chartered accountant or cost accountant referred to in sub-section (1) shall, within the period specified by the said Commissioner, submit a report duly signed and certified by him to the said Commissioner mentioning therein such other particulars as may be specified by him.*
- (3) *The provisions of sub-section (1) shall have effect notwithstanding that the accounts of such person have been audited under any other law for the time being in force.*
- (4) *The person liable to pay tax shall be given an opportunity of being heard in respect of any material gathered on the basis of the audit under subsection (1) and proposed to be utilized in any proceeding under the provisions of this Chapter or rules made thereunder.*

Explanation.—For the purposes of this section,-

- (i) *"chartered accountant" shall have the meaning assigned to it in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949; (38 of 1949);*
- (ii) *"cost accountant" shall have the meaning assigned to it in clause (b) of subsection (1) of section 2 of the Cost and Works Accountants Act, 1959 (23 of 1959)."*

"5A. Access to a registered premises.-

- (1) *An officer authorised by the Commissioner in this behalf shall have access to any premises registered under these rules for the purpose of carrying out any scrutiny, verification and checks as may be necessary to safeguard the interest of revenue.*
- (2) *Every assessee shall, on demand, make available to the officer authorised under sub-rule (1) or the audit party deputed by the Commissioner or the Comptroller and Auditor General of India, within a reasonable time not exceeding fifteen working days from the day when such demand is made, or such further period as may be allowed by such officer or the audit party, as the case may be,-*
 - (i) *the records as mentioned in sub-rule (2) of rule 5;*
 - (ii) *trial balance or its equivalent; and*
 - (iii) *the income-tax audit report, if any, under section 44AB of the Income-tax Act, 1961 (43 of 1961), for the scrutiny of the officer or audit party, as the case may be.*