

**Confidential**

**Bill No. 14 of 2014**

*(Authorized English Version)*

**THE RAJASTHAN FINANCE BILL, 2014**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

further to amend the Rajasthan Value Added Tax Act, 2003, the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990, the Rajasthan Electricity (Duty) Act, 1962, the Rajasthan Entertainments and Advertisements Tax Act, 1957, the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999, the Rajasthan Stamp Act, 1998, the Rajasthan Motor Vehicles Taxation Act, 1951, the Rajasthan Excise Act, 1950, the Rajasthan Fiscal Responsibility and Budget Management Act, 2005, and to provide for the levy and collection of infrastructure development cess on sale or purchase of certain goods in the State of Rajasthan, in order to give effect to the financial proposals of the State Government for financial year 2014-15 and to make certain other provisions.

Be it enacted by the Rajasthan State Legislature in the Sixty-fifth Year of the Republic of India, as follows:-

**CHAPTER I  
PRELIMINARY**

**1. Short title.-** This Act may be called the Rajasthan Finance Act, 2014.

**2. Declaration under section 3, Rajasthan Act No. 23 of 1958.-** In pursuance of section 3 of the Rajasthan Provisional Collection of Taxes Act, 1958 (Act No. 23 of 1958) it is hereby declared that it is expedient in the public interest that provisions of clauses 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45 and 46 of this Bill shall have immediate effect under the said Act.

**CHAPTER II**  
**AMENDMENT IN THE RAJASTHAN VALUE ADDED TAX ACT, 2003**

**3. Amendment of section 3, Rajasthan Act No. 4 of 2003.-** In clause (b) of sub-section (1) of section 3 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003), hereinafter in this Chapter referred to as the principal Act, for the existing expression “rupees two lacs”, the expression “rupees five lacs” shall be substituted.

**4. Amendment of section 16, Rajasthan Act No. 4 of 2003.-** In sub-section (4) of section 16 of the principal Act, after the existing clause (a) and before the existing clause (b), the following sub-clause shall be inserted, namely:-

“(aa) a dealer has discontinued business at his principal place of business; or”.

**5. Amendment of section 18, Rajasthan Act No. 4 of 2003.-** In section 18 of the principal Act, for the existing sub-section (2), the following shall be substituted, namely:-

“(2) The input tax credit under sub-section (1) shall be allowed only after verification of the deposit of tax payable by the selling dealer in the manner as may be notified by the Commissioner.”.

**6. Amendment of section 20, Rajasthan Act No. 4 of 2003.-** In section 20 of the principal Act,-

(i) in sub-section (2), for the existing expression “six percent”, the expression “twenty percent” shall be substituted; and

(ii) the existing sub-section (2A) shall be deleted.

**7. Amendment of section 22, Rajasthan Act No. 4 of 2003.-** For the existing sub-section (4) of section 22 of the principal Act, the following shall be substituted, namely:-

“(4) No order under this section shall be passed after the last date of submission of annual return for that year.”.

**8. Amendment of section 23, Rajasthan Act No. 4 of 2003.-** For the existing section 23 of the principal Act, the following shall be substituted, namely:-

**“23. Self Assessment.-** Every registered dealer who has furnished, all the returns under the provisions of section 21 or audit report as contemplated in section 73 along with all the returns under section 21, for the year, before issuance of any notice under sub-section (2) of section 24, shall, subject to

the provisions of section 24, be deemed to have been assessed on the basis of such returns and such audit report, as the case may be.”.

**9. Amendment of section 24, Rajasthan Act No. 4 of 2003.-** For the existing section 24 of the principal Act, the following shall be substituted, namely:-

“**24. Assessment.-** (1) Assessment of a dealer shall be for a year and it shall be made after the last date of furnishing of annual return for the year. However, the assessment of a closed business may be made immediately after its closure.

(2) Every return furnished by a registered dealer shall be subject to such scrutiny as may be determined by the Commissioner, to verify its correctness, and if any error is detected in any return or returns, the assessing authority or the officer authorised by the Commissioner shall serve a notice in the prescribed form to the dealer for rectification of the errors and the dealer may file a revised return within such period as specified therein.

(3) Where the dealer, in pursuance of the notice issued under sub-section (2),-

- (a) furnishes the revised return or returns, as the case may be, in terms of the notice and deposits the tax, interest, late fee, if any, he shall be deemed to have been assessed under section 23;
- (b) does not furnish revised return or returns, as the case may be, or the revised return or returns, as the case may be, furnished by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner, after giving an opportunity of being heard to the dealer and after conducting such enquiry as he may consider necessary, shall assess the dealer to the best of his judgment on the basis of the material available on record.

(4) Where a dealer, fails to furnish return in accordance with the provisions of section 21, the assessing authority or the officer authorised by the Commissioner, after giving an opportunity of being heard to the dealer and after conducting such enquiry as he may consider necessary, shall assess the dealer to the best of his judgment on the basis of the material available on record and shall impose a penalty, for non-filing of returns, of an amount equal to twenty percent of the net tax payable subject to a minimum of five thousand rupees.

(5) No assessment order under this section shall be passed after the expiry of two years from the end of the relevant year. However, the

Commissioner may for reasons to be recorded in writing, extend such time limit in any particular case by a period not exceeding six months.

(6) Notwithstanding anything contained in sub-section (5), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority.”.

**10. Amendment of section 25, Rajasthan Act No. 4 of 2003.-** In section 25 of the principal Act, for the existing sub-section (4), the following shall be substituted, namely:-

“(4) Notwithstanding anything contained in this Act, where notice has been issued under sub-section (1), the authority issuing such notice shall be competent to make the assessment for the relevant year.

(5) No notice under sub-section (1) shall be issued after the expiry of five years from the end of the relevant year.

(6) Notwithstanding anything contained in sub-sections (3) and (5), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority.”.

**11. Amendment of section 26, Rajasthan Act No. 4 of 2003.-** In section 26 of the principal,-

- (i) the existing Explanation of sub-section (1) shall be deleted; and
- (ii) for the existing sub-section (3), the following shall be substituted, namely:-

“(3) No notice under sub-section (1) shall be issued after the expiry of five years, and no assessment under this section shall be made after the expiry of eight years, from the end of the relevant year.

(3A) Notwithstanding anything contained in sub-section (3), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be

passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority.”.

**12. Amendment of section 27, Rajasthan Act No. 4 of 2003.-** In section 27 of the principal Act, after the existing sub-section (5), the following shall be added, namely:-

“(6) No notice under sub-section (4) shall be issued after the expiry of five years, and no assessment under this section shall be made after the expiry of eight years, from the end of the relevant year.

(7) Notwithstanding anything contained in sub-section (6), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority.”.

**13. Amendment of section 38, Rajasthan Act No. 4 of 2003.-** In section 38 of the principal Act, for the existing sub-section (7), the following shall be substituted, namely:-

“(7) Notwithstanding anything contained in this Act the State Government may defer the recovery of demand payable by an industrial unit declared sick under the Sick Industrial Companies (Special Provisions) Act, 1985 as amended from time to time (Central Act No. 1 of 1986) to such extent, for such period and on such conditions with regard to the payment or rate of interest as may be deemed proper.”.

**14. Insertion of section 51B, Rajasthan Act No. 4 of 2003.-** After the existing section 51A and before the existing section 52 of the principal Act, the following shall be inserted, namely:-

“**51B. Rebate of tax.-** Notwithstanding anything contained in this Act, if the State Government is of the opinion that it is expedient in the public interest so to do, it may, by notification in the Official Gazette, and subject to such conditions as may be specified therein, allow, whether prospectively or retrospectively, a rebate up to the full amount of tax to such dealers or class of dealers as may be specified in the notification.”.

**15. Amendment of section 53, Rajasthan Act No. 4 of 2003.-** For the existing sub-section (4) of section 53 of the principal Act, the following shall be substituted, namely:-

“(4) Where refund of any amount becomes due to a dealer, he shall be entitled to receive, in addition to the amount of refund, simple interest at such rate as may be notified by the State Government with effect from 1<sup>st</sup> April of the year immediately following the year to which it relates upto the date of payment:

Provided that where the dealer has paid any amount of tax after the closing of the year and such amount is required to be refunded, no interest shall be payable for the period prior to the date of the deposit of such amount.”.

**16. Amendment of section 61, Rajasthan Act No. 4 of 2003.-** For the existing sub-section (1) of section 61 of the principal Act, the following shall be substituted, namely:-

“(1) Where any dealer has-

- (a) disclosed taxable turnover of sale of goods in any return furnished by him at a lower rate of tax than the rate of tax as specified under this Act or otherwise furnished inaccurate particulars deliberately in the return furnished by him; or
- (b) incorporated any transaction of sale or purchase in his accounts, registers or documents required to be maintained by him under this Act at a lower rate of tax than the rate of tax as specified under this Act; or
- (c) concealed any particulars from any return furnished by him; or
- (d) concealed any transactions of sale or purchase from his accounts, registers or documents required to be maintained by him under this Act; or
- (e) failed to get himself registered as required under section 11 of this Act and has avoided tax; or
- (f) avoided or evaded tax in any other manner,

the assessing authority or any officer not below the rank of an Assistant Commercial Taxes Officer as may be authorised by the Commissioner, after giving him a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty in addition to tax payable by him under this Act, a sum equal to two times the amount of tax avoided or evaded.”.

**17. Amendment of section 67, Rajasthan Act No. 4 of 2003.-** In subsection (1) of section 67 of the principal Act, for the existing expression “be punishable with simple imprisonment for a term which may extend to six months and with fine not exceeding rupees five thousand, and for the offences covered under clauses (b), (c), (f), (g), and (i) with a minimum sentence of simple imprisonment of three months.”, the expression

- “(I) for offences described under clauses (c) or (i) or offences where amount of demand notice exceeds rupees one crore under clause (d) be punishable with simple imprisonment for a term which may extend upto three years and also be liable to fine but the minimum sentence shall not be less than simple imprisonment of six months and fine of rupees five thousand; and
- (II) for other offences not covered under clause (I), be punishable with simple imprisonment for a term which may extend upto six months and also be liable to fine.”

shall be substituted.

**18. Amendment of section 91, Rajasthan Act No. 4 of 2003.-** For the existing section 91 of the principal Act, the following shall be substituted, namely:-

**“91. General Powers of the Commissioner.-** (1) The Commissioner may from time to time, issue such orders, instructions and directions to all officers and persons employed in the execution of this Act as he may deem fit for the administration of this Act, and all such officers and persons shall observe and follow such orders, instructions and directions of the Commissioner.

(2) For the purposes of official use, the Commissioner may, by notice in any newspaper, or in such other manner as he deems proper, call upon all dealers or any class of dealers or persons to furnish such information, statement or return as may be specified in the notice issued in this behalf.

(3) No such orders, instructions, or directions shall be issued under subsection (1) so as to interfere with the discretion of any appellate authority in the exercise of its appellate functions.

(4) Without prejudice to the generality of the foregoing power, the Commissioner may, on his own motion or on an application by a registered dealer liable to pay tax under this Act, if he considers it necessary or expedient so to do, for the purpose of maintaining uniformity in the work of assessments and collection of revenue, clarify the rate of tax payable under this Act in respect of goods liable to tax under this Act, and all officers and

persons employed in the execution of this Act shall observe and follow such clarification.

(5) No such application under sub-section (4) shall be entertained unless it is accompanied by proof of payment of such fee, paid in such manner, as may be prescribed.”.

**19. Amendment of section 95, Rajasthan Act No. 4 of 2003.-** In section 95 of the principal Act, for the existing sub-section (2), the following shall be substituted, namely:-

“(2) Where any return, application, communication or intimation is submitted by a dealer or his business manager or by a person, electronically through the official website of the Commercial Taxes Department, such return, application, communication or intimation shall be deemed to be submitted by him, if the dealer or business manager or person has given his consent to use the website for e-filing in the prescribed manner:

Provided that dealer or business manager or person, who has consented to use the official website of the Department shall not retract from or repudiate such e-documents submitted by him through the website.

(3) Where any notice, communication or intimation is served on a dealer or his business manager or any person electronically through the official website of the Commercial Taxes Department, then, said notice, communication or intimation shall not be deemed to be invalid only on the ground that it is not personally signed or digitally signed or is not served properly.”.

**20. Amendment of section 96, Rajasthan Act No. 4 of 2003.-** The existing section 96 of the principal Act shall be deleted with effect from 5th day of October, 2014.

### **CHAPTER III**

#### **AMENDMENT IN THE RAJASTHAN TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) ACT, 1990**

**21. Amendment of section 12, Rajasthan Act No. 9 of 1996.-** In section 12 of the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990 (Act No. 9 of 1996), hereinafter in this Chapter referred to as the principal Act,-

- (i) in sub-section (1), for the existing expression “Luxury Tax Officer”, the expression “Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf ” shall be substituted;



- (ii) in sub-section (4), for the existing expression “Luxury Tax Officer”, the expression “Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf ” shall be substituted; and
- (iii) in sub-section (7), for the existing expression “Luxury Tax Officer”, the expression “Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf ” shall be substituted.

**22. Amendment of section 20, Rajasthan Act No. 9 of 1996.-** In section 20 of the principal Act, for the existing expression “at the rate of two percent of the amount of such tax or demand”, the expression “at such rate as may be notified by the State Government” shall be substituted.

#### **CHAPTER IV AMENDMENT IN THE RAJASTHAN ELECTRICITY (DUTY) ACT, 1962**

**23. Amendment of section 3, Rajasthan Act No. 12 of 1962.-** For the existing clause (3) of the proviso to section 3 of the Rajasthan Electricity (Duty) Act, 1962 (Act No. 12 of 1962), the following shall be substituted and shall be deemed always to have been substituted, namely:-

“(3) where the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt fully or partially, whether prospectively or retrospectively, from payment of electricity duty payable on energy consumed by any consumer or class of consumers, without any condition or with such condition as may be specified in the notification.”.

#### **CHAPTER V AMENDMENT IN THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957**

**24. Amendment of section 3, Rajasthan Act No. 24 of 1957.-** In section 3 of the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Act No. 24 of 1957), hereinafter in this Chapter referred to as the principal Act, -

- (i) for existing clause (1) the following shall be substituted and shall be deemed always to have been substituted, namely:-

“(1) “addressable system” means an electronic device or more than one electronic devices put in an integrated system through which television signals and value added services can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the service provider to the subscriber;

(1A) “admission” includes admission as a spectator or as one of an audience and admission for purpose of amusement by taking part in an entertainment and in case of entertainment through cable television network and direct to home broadcasting service, each connection to a subscriber shall be deemed to be an admission;”;

(ii) for existing clause (2) the following shall be substituted and shall be deemed always to have been substituted, namely:-

“(2) “admission to an entertainment” includes admission to any place in which the entertainment is held and in case of entertainment through cable service and direct to home broadcasting service, with or without cable connection, each connection to a subscriber shall be deemed to be an admission to an entertainment;”;

(iii) clause (4A) shall be substituted by the following, namely,-

“(4A) “direct to home broadcasting service” means distribution of multi-channel television and radio programmes and similar content by using a satellite system, by providing signals directly to subscriber’s premises without passing through an intermediary or otherwise;”;

(iv) clause (6) shall be substituted and shall be deemed always to have been substituted by the following, namely, -

“(6) “entertainment tax” means the tax levied and charged under sections 4 and 4AA and includes the additional tax payable under section 6A;”;

(v) in clause (7),-

(i) for the existing punctuation mark “:” appearing at the end of sub-clause (d), the punctuation mark “;” shall be substituted; and

(ii) after the sub-clause (d), so amended and before the existing proviso, the following shall be inserted, namely:-

“(e) any payment made by a person by way of contribution, subscription, installation or connection charges or any other charges, excluding service tax paid under the Finance Act, 1994 (Central Act No. 32 of 1994), collected in any manner whatsoever for cable service;

(f) any payment made by a person by way of contribution, subscription, installation or connection charges or any other charges, excluding service tax paid under the Finance Act, 1994 (Central Act No. 32 of 1994), collected in any manner whatsoever for entertainment through cable service or through direct to home broadcasting service for distribution of television signals and value added services with the aid of any types of addressable system, which connects a television set or computer system at a residential or non-residential place of subscriber’s premises, directly to the satellite or otherwise.”;

(vi) the existing clause (8) shall be substituted by the following, namely:-

“(8) “proprietor”, in relation to any entertainment, includes any person –

- (a) connected with the organisation of the entertainment, or
- (b) charged with a work of admission to the entertainment, or
- (c) responsible for, or for the time being in charge of, the management thereof, or

(d) having licence to provide direct to home broadcasting service, by the Central Government under section 4 of the Indian Telegraph Act, 1885 (Central Act No.13 of 1885), and Indian Wireless Telegraph Act, 1933 (Central Act No. 17 of 1933) and also includes service provider of cable television signals and value added services registered or licensed under the Cable Television Network (Regulation) Act, 1995 (Central Act No.7 of 1995);”;

(vii) for existing clause (11A), the following shall be substituted and shall be deemed always to have been substituted, namely:-

“(11A) “subscriber” means a person who receives the signals of television network and value added services from a proprietor at a place indicated by him, without further transmitting it to any other person:

Provided that, in case of further transmission of signals of cable television network, each room or premises where signals of cable television network are transmitted shall be treated as a subscriber:

Provided further that, in case of direct to home broadcasting service, every television set or computer set receiving the signals shall be treated as a subscriber;”.

**25. Amendment of section 4, Rajasthan Act No. 24 of 1957.-** In sub-section (1) of section 4 of the principal Act, after the existing expression “admission to an entertainment,” and before the existing expression “a tax at such rate”, the expression “other than an entertainment to which section 4AA applies,” shall be inserted.

**26. Amendment of section 4AA, Rajasthan Act No. 24 of 1957.-** For the existing section 4AA of the principal Act, the following shall be substituted, namely:-

**“4AA. Levy of Tax on Cable Service and Direct to Home Broadcasting service.-** (1) Subject to the provisions of this Act, there shall be charged, levied and paid an entertainment tax on all payments for admission to an entertainment through a direct to home broadcasting service or through a cable service with addressable system or otherwise, other than entertainment to which section 4 applies, at such rates not exceeding twenty percent of the payment for admission for every subscriber, as the State Government may, notify in this behalf.

(2) Notwithstanding anything contained in sub-section (1), the State Government may fix the rates of tax for the tax payable under this section a fixed amount, as may be notified but not exceeding rupees fifty, per subscriber per month or part thereof.

(3) Nothing in sub section (1) shall preclude the State Government from notifying different rates of entertainment tax for house hold or for different categories of hotels.

(4) Where the subscriber is a hotel or a restaurant, the proprietor may, in lieu of payment under sub section (1), pay a compounded amount to the State Government on such conditions and in such manner as may be

prescribed and at such rate as the State Government may, notify and different rates of compounded amount may be notified for the different category hotels and restaurants.”.

**27. Amendment of section 4AAA, Rajasthan Act No. 24 of 1957.-** The existing section 4AAA of the principal Act shall be deleted.

**28. Amendment of section 5B, Rajasthan Act No. 24 of 1957.-** In sub-section (2) of section 5B of the principal Act, the existing expression “4AAA” shall be deleted.

**29. Amendment of section 6, Rajasthan Act No. 24 of 1957.-** In section 6 of the principal Act,-

(i) In sub-section (1), after the expression “subject to the entertainment tax” and before the expression “, except with a ticket”, the expression “payable under section 4,” shall be inserted;

(ii) In sub-section (3), after the existing expression, “tax is payable under” and before the existing expression “this Act”, the expression, “section 4 of” shall be inserted.

**30. Amendment of section 8, Rajasthan Act No. 24 of 1957.-** For the existing section 8 of the principal Act, the following shall be substituted, namely:-

**“8. Refund.-** (1) Where any amount is refundable to a proprietor or a person under the provisions of this Act, the prescribed authority shall, after having duly verified the fact of deposit of such amount, refund to such proprietor or person such amount in the prescribed manner.

(2) An amount refundable under this Act shall be refunded within thirty days from the date of submission of application and if such amount is not refunded within the aforesaid period of thirty days, the proprietor shall be entitled to get interest with effect from the date succeeding the date of expiry of the aforesaid period upto the date of payment, at such rate as may be notified by the State Government.

(3) Notwithstanding anything contained in this section or in any other law for the time being in force, only the proprietor or the person, who has actually suffered the incidence of tax or has paid the amount, can claim a refund and the burden of proving the incidence of tax so suffered or the amount so paid shall be on the proprietor or the person claiming the refund.”.

**31. Amendment of section 9A, Rajasthan Act No. 24 of 1957.-** In clause (a) of section 9A of the principal Act, the existing expression “4AAA” shall be deleted.

**32. Amendment of section 10B, Rajasthan Act No. 24 of 1957.-** For the existing section 10B of the principal Act, the following shall be substituted, namely,-

**“10B. Penalty for non-payment of Tax on cable service and direct to home broadcasting service.-** Where the proprietor of a cable television network providing cable service or a proprietor of a direct to home broadcasting service, contravenes any of the provisions of this Act or the rules made thereunder or fails to comply with any order or direction issued in accordance with the provisions of this Act or the rules made thereunder, shall on conviction, be punishable with a sentence of simple imprisonment not exceeding six months or fine not exceeding two thousand rupees or both.”.

## **CHAPTER VI AMENDMENT IN THE RAJASTHAN TAX ON ENTRY OF GOODS INTO LOCAL AREAS ACT, 1999**

**33. Amendment of section 3, Rajasthan Act No. 13 of 1999.-** In subsection (1) of section 3 of the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999 (Act No. 13 of 1999), for the existing expression “twenty percent” the expression “sixty five percent”, shall be substituted.

## **CHAPTER VII AMENDMENT IN THE RAJASTHAN STAMP ACT, 1998**

**34. Amendment of section 2, Rajasthan Act No. 14 of 1999.-** In section 2 of the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), hereinafter in this Chapter referred to as the principal Act,-

(i) after the existing clause (x) and before the existing clause (xi), the following shall be inserted, namely:-

“(x-a) “Concession agreement” means an agreement involving a grant of rights, land or property by the State Government, local authority, public sector undertaking or other statutory entity to provide some service on commercial basis using such assets of the State Government or a local authority or a

public sector undertaking, as the case may be, subject to certain conditions;”;

(ii) after the existing clause (xxi) and before the existing clause (xxii), the following shall be inserted, namely:-

“(xxi-a) “Leave and Licence” means any instrument, whether called leave or licence or called by any other name, by which one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immovable property of the granter, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in property;” and

(iii) for the existing clause (xxiii), the following shall be substituted, namely:-

“(xxiii) “market value” in relation to any property, which is the subject matter of an instrument, means the price which such property would have fetched or would fetch if sold in open market on the date of execution of such instrument as determined by in such manner and by such authority as may be prescribed by rules made under this Act or the consideration stated in the instrument, whichever is higher;”.

**35. Amendment of section 4, Rajasthan Act No. 14 of 1999.-** For the existing section 4 of the principal Act, the following shall be substituted, namely:-

**“4. Payment of stamp duty in cash.-** (1) Notwithstanding anything contained in section 10,-

- (i) any instrument chargeable with the stamp duty may be executed on an unstamped paper; and
- (ii) the stamp duty chargeable on such instrument may be paid or collected in such manner as the State Government may prescribe by rules.

(2) The registering officer or any other officer authorized by the State Government shall, on production of such proof of payment of stamp duty under clause (ii) of sub-section (1) as the State Government may prescribe by rules, endorse on the instrument the amount of stamp duty so paid in such manner as the State Government may prescribe by rules.

(3) An instrument endorsed under sub-section (2) shall be deemed to be duly stamped under this Act and may be used or acted upon as such to all intents and for all purposes.”.

**36. Insertion of section 4-A, Rajasthan Act No. 14 of 1999.-** After the existing section 4 and before the existing section 5 of the principal Act, the following shall be inserted, namely:-

**“4-A. Rounding off of fractions in duty, fee or surcharge payable or allowances to be made.-** In determining the amount of duty, surcharge or fee payable, or of the allowances to be made, under this Act, any fraction of 10 rupees, equal to or exceeding 50 paise shall be rounded off to next 10 rupees, and any fractions of less than 50 paise shall be disregarded.”.

**37. Amendment of section 39, Rajasthan Act No. 14 of 1999.-** For the existing sub-clause (ii) of clause (a) of proviso to section 39 of the principal Act, the following shall be substituted, namely:-

“(ii) a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but such penalty shall not exceed to two times of the deficient stamp duty.”.

**38. Amendment of section 43, Rajasthan Act No. 14 of 1999.-** For the existing section 43 of the principal Act, the following shall be substituted, namely:-

**“43. Collector's power to refund penalty under sub-section (1) of section 42.-** Where a copy of an instrument which has been impounded only because it has been written in contravention of section 13 or section 14 is sent to the Collector under sub-section (1) of section 42, he may refund whole penalty paid in respect of such instrument.”.

**39. Amendment of section 44, Rajasthan Act No. 14 of 1999.-** In sub-clause (ii) of clause (b) of sub-section (1) of section 44 of the principal Act, for the existing expression “a penalty of one hundred rupees; or, if he thinks fit an amount not exceeding ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of one hundred rupees:”, the expression “a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty:” shall be substituted.



**40. Amendment of section 51, Rajasthan Act No. 14 of 1999.-** In section 51 of the principal Act,-

- (i) for the existing sub-section (3), the following shall be substituted, namely:-

“(3) On receipt of the instrument under sub-section (1) or (2), the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in the prescribed manner, determine the market value and stamp duty including the penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and surcharge, if any, payable thereon and if the amount of stamp duty including penalty and surcharge, if any, so determined exceeds the amount of stamp duty including penalty and surcharge, if already paid, the deficient amount shall be payable by the person liable to pay the stamp duty including penalty and surcharge, if any.”; and

- (ii) for the existing sub-section (5), the following shall be substituted, namely:-

“(5) The Collector may, *suo motu* or on a reference made under sub-section (4) call for and examine any instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or the executant or any other person for the purpose of satisfying himself as to correctness of the market value of the property, and if after such examination, he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine in accordance with the procedure provided in sub-section (3) the market value and the amount of stamp duty, if any, payable thereon together with a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, which shall be payable by the person liable to pay the stamp duty and penalty.”.

**41. Insertion of section 52-A, Rajasthan Act No. 14 of 1999.-** After the existing section 52 and before the existing section 53 of the principal Act, the following shall be inserted, namely:-

**“52-A. Reopening of *ex parte* orders.-** (1) Where an order has been passed by the Collector *ex parte* under this Act, the aggrieved person may apply to the Collector for reopening of such order within thirty days from the date of communication of such order to him on the grounds that he did not receive the notice or summons issued to him in the matter or that he was prevented by sufficient cause from complying with any notice or summons issued to him.

(2) If the Collector is satisfied with the ground specified in the application made under sub-section (1), he shall reopen the *ex parte* order and after hearing the aggrieved person may pass such order as he may think proper in the circumstances of the matter within three months from the date of receipt of the application under sub-section (1).”.

**42. Amendment of section 53, Rajasthan Act No. 14 of 1999.-** In section 53 of the principal Act,-

(i) for the existing sub-section (3), the following shall be substituted, namely:-

“(3) On receipt of document or instrument under sub-section (1) or (2), the Collector shall, after giving the parties a reasonable opportunity of being heard, determine the correct nature of the document or instrument and the stamp duty including the penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and surcharge, if any, payable thereon and may require the payment of the stamp duty including penalty and surcharge, if any, so determined or the amount required to make up the same.”; and

(ii) for the existing sub-section (5), the following shall be substituted, namely:-

“(5) The Collector may, *suo motu* or on a reference made under sub-section (4) or otherwise call for and examine any document or instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or the executant or any other person, which has been registered and returned to the executant or any other person for the purpose of satisfying himself as to the correctness with regard to the nature of the document or instrument and if he is satisfied, after giving the

parties a reasonable opportunity of being heard, that the nature of document or instrument had not correctly been mentioned or determined, he may determine the correct nature of the document or instrument and the stamp duty, if any, payable thereon together with a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and require payment of stamp duty including penalty, if any, so determined or the amount required to make up the same.”.

**43. Insertion of section 56-A, Rajasthan Act No. 14 of 1999.-** After the existing section 56 and before the existing section 57 of the principal Act, the following shall be inserted, namely:-

**“56-A. Power of Inspector General of Stamps to reduce or waive interest and penalty.-** (1) Notwithstanding anything contained in this Act, Inspector General of Stamps may on an application made in this behalf by a defaulter, reduce or waive the amount of interest or penalty or both upto a maximum limit of rupees twenty five thousand if the defaulter agrees to deposit the remaining amount of duties, penalties, interest and any other sums required to be paid by him under this Act within thirty days from such order.

(2) If the defaulter fails to deposit the amount specified in sub-section (1) within the time specified in that sub-section, the order of reduction or waiver passed under sub-section (1) shall stand withdrawn on the expiry of aforesaid period of thirty days.”.

**44. Amendment of section 72, Rajasthan Act No. 14 of 1999.-** For the existing section 72 of the principal Act, the following shall be substituted, namely:-

**“72. Interest on duty, surcharge or penalty.-** (1) Where any amount of duty or surcharge is recoverable from a person as a result of any order passed in any proceeding under this Act (including determination, appeal, revision, rectification or otherwise), he shall be liable to pay interest at the rate of twelve per cent compounded per annum on the amount of duty or surcharge from the date of execution of such instrument until the date of payment of such amount.

(2) Where any amount of penalty is recoverable from a person as a result of any order passed under this Act, he shall be liable to pay interest at

the rate of twelve percent compounded per annum on the amount of such penalty from the date of such order until the date of payment of such amount.”.

**45. Amendment of the Schedule, Rajasthan Act No. 14 of 1999.-** In the Schedule of the principal Act,-

(i) for the existing clause (f) of Article 5, the following shall be substituted, namely:-

“(f) If relating to any advertisement made for promotion of any product; or programme or event with an intention to make profits or business out of it,-

(i) if the amount agreed does not exceed rupees ten lacs;

Two rupees and fifty paise for every rupees 1,000 or part thereof on the amount agreed in the contract subject to minimum of rupees 100.

(iii) in any other case

Five rupees for every rupees 1,000 or part thereof on the amount agreed in the contract.

(ff) If relating to conferring exclusive rights of telecasting, broadcasting or exhibition of an event or film,-

(i) if the amount agreed does not exceed rupees ten lacs;

Two rupees and fifty paise for every rupees 1,000 or part thereof on the amount agreed in the contract subject to minimum of rupees 100.

(ii) in any other case

Five rupees for every rupees 1,000 or part thereof on the amount agreed in the contract.”;

(ii) for the existing Article 5-A, the following shall be substituted, namely:-

**“5-A. Record of Transaction (Electronics or Otherwise)** effected by a trading member through the association or stock exchange referred to in section 2, clause (ia)

and (xxxvii),-

- |   |   |
|---|---|
| (a) if relating to sale and purchase of Government securities.                                    | Fifty rupees for every rupees one crore or part thereof of the value of security. |
| (b) if relating to purchase or sale of securities, other than those falling under item (a) above- |   |
| (i) in case of delivery   | 0.01 percent of the value of security.  |
| (ii) in case of non delivery  | 0.01 percent of the value of security.  |
| (c) if relating to futures and options trading.   | 0.01 percent of the value of futures and options trading.                         |
| (d) if relating to forward contracts of commodities traded through an association or otherwise.   | 0.01 percent of the value of the forward contract.                                |

**Explanation.-** For the purpose of clause (b), securities shall have the same meaning as defined by the Securities Contract (Regulation) Act, 1956.”;

- (iii) after the existing Article 20 and before the existing Article 21, the following Article shall be inserted, namely:-

“**20-A. Concession agreement** as defined by section 2(x-a).

**Explanation.-** Notwithstanding anything contained in any other provision of this Act, a concession agreement executed prior to the date of commencement of the Rajasthan Finance Act, 2014 (Act No.---- of 2014), shall be chargeable under this Article and shall be stamped within 30 days of such commencement.

- |  |
|--|
| (i) Rupees 2 lacs, where the total capital investment is upto rupees 10 crore;   |
| (ii) Rupees 10 lacs, where the total capital investment exceeds rupees 10 crore but does not exceed rupees 50 crore;   |
| (iii) Rupees 40 lacs, where the total capital investment exceeds rupees 50 crore but does not exceed rupees 200 crore; |
| (iv) Rupees 1 crore, where the   |

- total capital investment exceeds rupees 200 crore but does not exceed rupees 500 crore;
- (v) Rupees 2 crore, where the total capital investment exceeds rupees 500 crore but does not exceed rupees 1000 crore;
- (vi) Rupees 5 crore, where the total capital investment exceeds rupees 1000 crore but does not exceed rupees 2500 crore; and
- (vii) Rupees 10 crore, where the total capital investment exceeds rupees 2500 crore.”;

(iv) for the existing clause (iii) of Article 21, the following shall be substituted, namely:-

“(iii) if relating to the order under section 394 of the Companies Act, 1956 (Central Act No. 1 of 1956) or section 44-A of the Banking Regulation Act, 1949 (Central Act No. 10 of 1949) in respect of amalgamation, demerger or reconstruction of a company. Two percent on that part of the net worth of the transferor company which is equal to the proportion the value of the immovable property of the transferor company situated in the State of Rajasthan bears to the value of the whole of immovable property of the transferor company; in addition to the stamp duty paid on the instrument elsewhere, if any.”;

(v) after the clause (iii), so amended, and before the “Exemption” of Article 21, the following clause shall be inserted, namely:-

“(iv) if relating to Transferable Development Rights (TDR) Five percent on the market value of the Transferable Development Rights equal to

the market value of the corresponding portion of the property leading to such Transferable Development Rights, which is the subject matter of conveyance; or consideration for such conveyance; whichever is higher.”;

(vi) the existing Explanation:- (ii) of Article 21, shall be deleted; and

(vii) After the existing Article 33 and before the existing Article 34, the following Article shall be inserted, namely:-

**“33-A. Leave and Licence Agreement** relating to immovable property other than the residential property. One rupee for every hundred rupees or part thereof on the whole amount payable or deliverable plus the total amount of fine or premium or money advanced or to be advanced irrespective of the period for which such leave and licence agreement is executed.”.

## **CHAPTER VIII AMENDMENT IN THE RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951**

**46. Amendment of section 4-D, Rajasthan Act No. 11 of 1951.-** For the existing section 4-D of the Rajasthan Motor Vehicles Taxation Act, 1951(Act No. 11 of 1951), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

**“4-D. Levy of Green Tax.-** (1) There shall be levied and collected a cess called “green tax”, in addition to the tax levied under sections 4, 4-B and 4-C of the Act, on such vehicles suitable for use on road as specified in column (2), at such time as specified in column (3), of the table below at such rates, not exceeding the maximum rates specified in column (4) of the

table, as may be fixed by the State Government by notification in the Official Gazette, for the purpose of implementation of various measures to control air pollution.

**TABLE**

<b>S. No.</b>	<b>Class of the Vehicle</b>	<b>Time</b>	<b>Maximum rate of cess (in Rupees)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	<b>Non-transport vehicle</b>		
	(a) two wheelers	At the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of certificate of registration under sub-section (10) of section 41 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988).	1000
	(b) four wheeled diesel driven vehicles		
	I. Light Motor Vehicle with engine capacity up to 1500 cc		5000
	II. Light Motor Vehicle with engine capacity above 1500 cc and up to 2000 cc		10000
	III. Light Motor Vehicle with engine capacity above 2000 cc with seating capacity up to 5		10000
	IV. Light Motor Vehicle with engine capacity above 2000 cc with seating capacity more than 5		25000
	(c) four wheeled petrol/ LPG driven vehicles		
	I. Light Motor Vehicle with engine capacity up to 1500 cc		2000
	II. Light Motor Vehicle with engine capacity above 1500 cc and upto 2000 cc		2500



	III. Light Motor Vehicle with engine capacity above 2000 CC with seating capacity up to 5		3000
	IV. Light Motor Vehicle with engine capacity above 2000 CC with seating capacity more than 5		5000
	(d) other than above fuel driven four wheeled vehicles.		1000
	(e) other Non-transport vehicles.		2000
2.	<b>Transport vehicle</b>	At the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of fitness certificate under section 56 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988)	2000

(2) The provisions of this Act and the rules made there under excluding those relating to refund of tax shall, so far as may be, apply in relation to the imposition, payment, computation and recovery of the cess payable under subsection (1), as they apply to the imposition, payment, computation and recovery of tax payable under this Act.”.

**47. Amendment of section 5, Rajasthan Act No. 11 of 1951.-** In subsection (1) of section 5 of the principal Act,-

- (i) in second proviso for the existing expression “three”, the expression “six” shall be substituted; and

(ii) the existing third proviso shall be deleted.

**CHAPTER IX**  
**AMENDMENT IN THE RAJASTHAN EXCISE ACT, 1950**

**48. Deletion of section 25, Rajasthan Act No. 2 of 1950.-** The existing section 25 of the Rajasthan Excise Act, 1950 (Act No. 2 of 1950), hereinafter in this Chapter referred to as the principal Act, shall be deleted.

**49. Amendment of section 42, Rajasthan Act No. 2 of 1950.-** In clause (h) of section 42 of the principal Act, for the punctuation mark “.”, appearing at the end, the punctuation mark “;” shall be substituted and after clause (h), so substituted, the following clause shall be inserted, namely:-

“(i) prescribing the norms of production of excisable articles from any kind of raw material.”.

**50. Insertion of section 62A, Rajasthan Act No. 2 of 1950.-** After the existing section 62 and before the existing section 63 of the principal Act, the following shall be inserted, namely:-

**“62A. Offence by company.-** (1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person incharge of such establishment, branch, unit nominated by the company as responsible for excisable articles shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other

officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this section,-

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.”.

**51. Amendment of section 67, Rajasthan Act No. 2 of 1950.-** For the existing clause (a) of sub-section (1) of section 67 of the principal Act, the following shall be substituted, namely:-

“(a) under section 54 or section 54B or section 54D or section 57 or section 59 or section 62A or section 63 except on his own knowledge or suspicion or on a complaint or the report of an Excise Officer; or”.

## **CHAPTER X**

### **AMENDMENT IN THE RAJASTHAN FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2005**

**52. Amendment of section 2, Rajasthan Act No. 7 of 2005.-** After clause (k) and before clause (l) of section 2 of the Rajasthan Fiscal Responsibilities and Budget Management Act, 2005 (Act No. 7 of 2005), hereafter in this Chapter referred to as the principal Act, the following clause shall be inserted, namely:-

“(kk) “Rajasthan Development and Poverty Alleviation Fund” means a Fund created under section 6A;”.

**53. Insertion of section 6A, Rajasthan Act No. 7 of 2005.-** After the existing section 6 and before the existing section 7 of the principal Act, the following shall be inserted, namely:-

**“6A. Rajasthan Development and Poverty Alleviation Fund.-** (1) There shall be created a fund called “Rajasthan Development and Poverty Alleviation Fund” (hereinafter referred to as the Fund) in the Public Account of the State.

(2) Tax receipts of the State, comprising of its own taxes and share in central taxes, in any year in excess of 17.5% over previous year and any other revenue receipts, as the State Government may think fit, shall, if the State Legislature by appropriation made by law in this behalf so provides, be credited to the Fund in the ensuing year.

(3) The Fund may be used by the State Government only for the following purposes:-

- (a) to meet revenue or capital expenditure in a year wherein tax receipts of the State, comprising of its own taxes and share in central taxes, are estimated to be less than 10% over the previous year;
- (b) to meet expenditure on developmental schemes or poverty reduction programmes.

(4) The Fund shall not be used for meeting non-developmental or establishment expenditure as defined by Comptroller and Auditor General of India.”.

## **CHAPTER XI INFRASTRUCTURE DEVELOPMENT CESS**

**54. Extent and commencement.-** (1) This Chapter shall extend to the whole of the State of Rajasthan.

(2) This Chapter shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**55. Definitions.-** (1) In this Chapter, unless the context otherwise requires,-

- (a) “cess” means the infrastructure development cess levied under section 56;
- (b) “infrastructure” means projects relating to roads, bridges, flyovers, metro-railway, electricity generation plants, wind mills, solar plants, transmission and distribution lines, electric sub-stations, water supply system, water filtration and treatment plants, sewage treatment plants, drainage pipelines, sanitation facilities, irrigation structures, irrigation canals and reservoirs, water harvesting and water conservation, industrial corridors, investment and manufacturing zones, special economic zones, education and research, sports, health care, tourism, transportation and such other schemes or projects as may be specified by the State Government from time to time;
- (c) “prescribed” means prescribed by rules made under this Chapter;
- (d) “purchase price”, for the purposes of levying cess under this Chapter, means the amount payable by a dealer as consideration for the purchase of goods including all statutory levies payable; and

(2) Words and expressions used but not defined in this Chapter shall have the meaning assigned to them under the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003).

**56. Levy and collection of cess.-** (1) Subject to the other provisions of this Chapter and the provisions of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956), with effect from such date as the State Government may, by notification in the Official Gazette, specify, there shall be levied and collected a cess on sale or purchase of such goods, at such rates, not exceeding six per cent of the sale or purchase price of the goods, as may be notified by the State Government.

(2) The cess leviable under sub-section (1) shall be in addition to any tax leviable on the sale or purchase of goods specified in sub-section (1) under any other law for the time being in force.

**57. Application of proceeds of cess.-** The proceeds of the cess levied under this Chapter, reduced by the cost of collection as determined by the State Government, shall, if State Legislature by appropriation made by law in this behalf so provides, be utilized for all or any of the following objects namely:-

- (a) development of infrastructure; or
- (b) maintenance, renovation or management of infrastructure projects; or
- (c) financing infrastructure development projects.

**58. Power to exempt.-** If the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt fully or partially, whether prospectively or retrospectively, from payment of cess payable under this Chapter by any person or class of persons, without any condition or with such condition as may be specified in the notification.

**59. Furnishing of returns.-** Every person shall furnish return in such manner and at such time and with such late fee not exceeding fifty thousand rupees, for delayed furnishing of returns, to such officer or authority, as may be prescribed.

**60. Applicability of the provisions of the Rajasthan Value Added Tax Act, 2003.-** Save as otherwise provided in this Chapter, the provisions of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003) and the rules made thereunder, relating to assessment, collection, interest, penalty, recovery, refunds, appeal and revision shall, *mutatis mutandis*, apply in respect of cess leviable under this Chapter.

**61. Power to make rules.-** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the manner in which accounts relating to the proceeds of the cess shall be maintained;
- (b) the manner in which the proceeds of the cess may be applied on the objects specified in section 57;
- (c) the determination of the cost of collection of the cess; or
- (d) generally to carry out the purposes of this Chapter.

(3) All rules made under this Chapter shall be laid, as soon as may be after they are made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or of the session immediately following. The House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, howsoever, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

## **STATEMENT OF OBJECTS AND REASONS**

### **THE RAJASTHAN VALUE ADDED TAX ACT, 2003**

Clause (b) of sub-section (1) of section 3 of the Rajasthan Value Added Tax Act, 2003 provides for incidence of tax for manufacturers whose annual turnover exceeds rupees two lacs. With a view to give relief to small manufacturers and the artisans, the clause (b) of sub-section (1) of section 3 is proposed to be amended so as to replace the aforesaid amount of two lacs by the amount of five lacs.

Sub-section (4) of section 16 of the said Act provides for cancellation of certificate of registration in certain circumstances. If a dealer changes his principal place of business, without information, it will be difficult to trace him and recover due demand in case of evasion or avoidance of tax. Thus, clause (aa) of sub-section (4) of section 16 of the said Act is proposed to be inserted to cancel the registration of such dealers.

Sub-section (2) of section 18 of the said Act provides for verification of tax deposited for allowing credit of input tax. To keep the uniformity in the system of verification among all assessing authorities, it is proposed that the Commissioner may be authorized to notify the process of verification. Accordingly, suitable amendment is proposed in sub-section (2) of section 18 of the said Act.

Sub-section (2) of section 20 of the said Act provides for deduction of tax by the awardee. The present limit of rate of tax deduction is six percent. The said limit is proposed to be extended from six percent to twenty percent, in order to cover the situations where the tax payable in the execution of works contract may be more than six percent of the contract value. Accordingly, suitable amendment is proposed in sub-section (2) of section 20 of the said Act.

In view of the practical difficulties in implementing the provisions of sub-section (2A) of section 20, it is proposed to delete the said sub-section 20 of the said Act.

Section 22 of the said Act provides for an assessment in case of failure to deposit tax in accordance with provisions of section 20 of the said Act or fails to submit a return as per the provision of section 21 of the said Act. An amendment in sub-section (4) of section 22 of the said Act is proposed to clarify that assessment should not be done under this section after the date of filing of return.

Section 23 of the said Act provides for self assessment where the annual return has been submitted in the prescribed time. To enlarge the scope of self assessment, section 23 of the said Act is proposed to be amended to cover those dealers who have filed late returns provided they file it before issuance of notice for assessment under section 24. Moreover, the provision for quarterly assessment is to be deleted as very few dealers have opted for quarterly assessment.

Section 24 of the said Act provides for assessment. In cases where the Tax Board or the Appellate Authority passes an order and remands a case and the Department prefers an appeal or revision against the order, the assessment order is to be done within two years of the order. In such cases, it is proposed to pass assessment order, only after final adjudication. Hence section 24 is proposed to be amended. Similar provisions are proposed in section 25, 26 and 27 also.

Clause (b) of sub-section (7) of section 38 of the said Act provides for deferment of tax and instalments in case of incipient sickness. This concession is not proposed to be given in cases of incipient sickness of any industrial enterprise, so it is proposed that the said clause be withdrawn. Accordingly, suitable amendment is proposed in sub-section (7) of section 38 of the said Act.

With a view to allow a rebate up to the full amount of tax to dealers or class of dealers a new section 51B is proposed to be inserted in the said Act.

Sub-section (4) of section 53 of the said Act provides for interest payable on refund to a dealer where such an amount is found refundable interest on such amount is payable to the dealer. It is proposed that interest on refund would be allowed to a dealer from the first day of the April of the succeeding year till the date of refund, in case the amount to be refunded is deposited before the close of the year. Accordingly, suitable amendment is proposed in sub-section (4) of section 53 of the said Act.

Section 61 of the said Act provides penalty for avoidance or evasion of tax. In many cases, it has been observed that dealers are paying tax at lower rate than the rate of tax as specified in the said Act. To clarify these offences for imposition of penalty, sub-section (1) of section 61 of the said Act is proposed to be amended.

Sub-section (1) of section 67 of the Act provides for prosecution of offences. With a view to have deterrent provisions in certain cases particularly for non-payment of any demand exceeding rupees one crore, and cases of fraud amendment in sub-section (1) of section 67 of the said Act is proposed.



Section 91 of the said Act empowers the Commissioner to issue directions, guidelines etc. for functioning of the department, especially regarding rate of tax payable in order to bring uniformity in the work of assessment. Accordingly, suitable amendment is proposed in section 91 of the said Act.

Section 95 of the said Act is proposed to be amended to give legal sanctity to electronic communication including notices, forms, returns etc.

Section 96 of the said Act provides for Tax Settlement Board. It is proposed to be deleted as the Tax Settlement Board has not served any purpose.

### **THE RAJASTHAN TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) ACT, 1990**

With a view to have common registration number under the different Acts administered by the Commercial Taxes Department and to have uniformity in the process of registration with the provisions of the Rajasthan Value Added Tax Act, 2003, amendment in section 12 of the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990 is proposed.

Similarly, to have uniformity in the rate of interest under the said Act and the Rajasthan Value Added Tax Act, 2003, amendment in section 20 of the said Act is proposed.

### **THE RAJASTHAN ELECTRICITY (DUTY) ACT, 1962**

Clause (3) of the proviso to section 3 of the Rajasthan Electricity (Duty) Act, 1962 provides for exemption for certain class of consumers. Various industrial incentive and promotion schemes provides for exemption from payment of electricity duty to certain class of consumers not covered under the said proviso. In order to fulfill the commitment of the Government, the said clause is proposed to be amended as if it was always there in the said Act.

### **THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957**

The Rajasthan Entertainments and Advertisements Act, 1957 provides for levy of tax on entertainment through cable service and direct to home broadcasting services, apart from tax on other forms of entertainment. The content of

entertainment provided through direct to home broadcasting services and cable services is the same but under the said Act there are different provisions for levy of tax and there are different systems of taxation. With a view to have same provisions for entertainment through these services, amendment is proposed to merge sections 4AA and 4AAA into a single section. To differentiate between this class of entertainments and other entertainments amendment in section 4 has also been proposed. Consequential to these proposals amendments in the definition clause and clauses for assessment, interest and penalty are also required. Accordingly amendments in section 3, section 4AA, section 4AAA, section 5B, section 6, section 9A and section 10B are proposed.

Provisions relating to refund are given in section 8 of the said Act. With a view to make them at par with the similar provisions of the Rajasthan Value Added Tax Act, 2003, it is proposed to amend the section 8 of the said Act.

### **THE RAJASTHAN TAX ON ENTRY OF GOODS INTO LOCAL AREAS ACT, 1999**

Sub-section (1) of section 3 of the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999 provides the maximum limit of rate of tax under the said Act. Presently it is twenty percent of value of goods. This maximum rate is proposed to be raised to sixty five percent by amending sub-section (1) of section 3 of the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999.

### **THE RAJASTHAN STAMP ACT, 1998**

At present “Concession agreement” and “Leave and Licence Agreement” are neither defined nor specifically included in the Schedule of the Rajasthan Stamp Act, 1998 and chargeable with stamp duty as simple agreements under Article 5 of the Schedule.

With a view to make provision for stamp duty on these instruments, section 2 is proposed to be amended for defining such instruments and Schedule of the Act is proposed to be amended to include these instruments in the Schedule for providing special rates of stamp duty on these instruments.

The present definition of “market value” does not provide for the determination of market rates of land or property by District Level Committee or other authority. The market rates are being presently determined by District Level Committee or State Government on the basis of the provision under the Rajasthan

Stamp Rules without having legal provision in the Act. Therefore definition of "market value" is proposed to be amended under the clause (xxiii) of section 2.

Presently stamp duty can be paid through stamp papers only i.e. impressed or adhesive stamp paper, franking or e-stamp. In exceptional circumstances, when impressed or adhesive stamp papers are not in stock stamp duty can be paid in cash. With advancement in technology, payment and collection of stamp duty can be made easier for general public as well as State Government. Therefore, section 4 is proposed to be suitably amended to make provision for payment of stamp duty through other methods also.

Provision regarding rounding off of fractions in stamp duty does not exist in the Act. Hence for this purpose a new section 4-A is proposed to be inserted.

As per the existing provisions of the Rajasthan Stamp Act, 1998, the Collector has power to impose penalty in cases of evasion or avoidance of stamp duty at the rate of one hundred rupees to ten times of the amount of stamp duty avoided or evaded. As such the Collector has a wide range of discretion in respect of imposition of penalty. It has come to the knowledge of the State Government that this wide range of discretion generally leads to loss of revenue and inequality to the parties concerned. This wide range of discretion has also decreased the deterrent effect of the penalty to a large extent as the evader always thinks about lowest penalty.

In order to do away with the discretion of Collectors and to relate the penalty with the amount of stamp duty avoided in terms of time and percentage rate so as to ensure that every act of evasion and avoidance attracts penalty commensurate of the amount avoided. It will make clear to the avoider or evader that the profit gained from the avoidance and evasion of stamp duty will have to be paid back by way of penalty. Thus it will have a deterrent effect and would reduce attempts to evasion and avoidance of stamp duty. Accordingly sections 39, 43, 44, 51 and 53 are proposed to be amended suitably.

At present there is no provision in the Act regarding reopening of the *ex parte* orders passed by Collectors. The aggrieved person has only option to challenge such orders before Rajasthan Tax Board after depositing twenty five percent amount of the demand. A new section 52-A is proposed to be inserted with a view to give chance to the aggrieved person to get decision of Collector on merit in his matter and to save him from financial burden of depositing twenty five percent amount of the demand.

Power to reduce or remit penalty or interest on stamp duty is available to State Government under section 9-A of the Act. These powers are proposed to be

given to the Inspector General Registration and Stamps also up to the amount of rupees twenty five thousand so that Inspector General Registration and Stamps can also remit or reduce penalty or interest in appropriate cases on the basis of genuine financial hardship. Hence to make provision for this purpose, a new section 56-A is proposed to be inserted.

According to the provisions of the Act, stamp duty on the document is payable on the date of the execution of such document but under the present provisions of section 72, the interest on the demand of deficient stamp duty is payable from the date of order of the Collector. Secondly, the rate of interest is also payable at the rate of eighteen percent per annum compounded. Therefore, section 72 is proposed to be amended for providing levy of interest from the date of execution of the document and to reduce the rate of interest from eighteen percent compounded annually to twelve percent compounded annually.

With intent to impose specific rate of stamp duty on agreements relating to advertisement made for promotion of any product; or programme or event with an intention to make profits, business out of it and relating to conferring exclusive rights of telecasting, broadcasting or exhibition of an event or film, suitable amendments are proposed in Article 5 of the Schedule.

It is proposed to rationalize the stamp duty rates for Record of Transaction (Electronics or Otherwise) effected by a trading member through the association or stock exchange. Hence Article 5-A of the Schedule is proposed to be amended.

With a view to make Concession agreement chargeable with stamp duty a new Article 20-A is proposed to be inserted in the Schedule.

The rates of stamp duty on the orders of amalgamation, de-merger or reconstruction under Article 21 need to be streamlined considering the fact that it is also charged with stamp duty in other States. Therefore with a view to rationalize the rates as well as method of calculation of stamp duty on the orders of amalgamation or de-merger or reconstruction clause (iii) of the Article 21 of the Schedule is proposed to be amended and Explanation (ii) of the Article 21 of the Schedule is proposed to be deleted.

A new concept of transfer of property through Transferable Development Rights (TDR) has been introduced in the State. Transferable Development Rights (TDR) are as valuable as the land in respect of which such Transferable Development Rights (TDR) are issued. Therefore a new clause (iv) of the Article 21 in the Schedule is proposed to be inserted.

With a view to make Leave and Licence Agreement relating to immovable property other than residential property, chargeable with stamp duty, a new Article 33-A is proposed to be inserted in the Schedule.

### **THE RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951**

Section 4-D of Rajasthan Motor Vehicles Taxation Act, 1951 provides the power to impose green tax (cess) on all categories of Non Transport Motor vehicles at the time of registration or assignment of new registration mark and renewal of registration certificate as well on all categories of transport vehicles at the time of registration or assignment new registration mark and renewal of fitness certificate. It was envisaged that imposition of Green tax will not only help in bringing down emission levels but also augment resources for development and maintenance of infrastructure and purchase of equipments for checking air pollution. Looking into the present scenario of phenomenal and exponential growth in purchase and registration of the vehicles, which are prone to more emission of pollution owing to fuel consumption reasons, it seems desirable to de-incentivize such vehicles by way of extension of the fuel based categories of vehicles, and accordingly changing the rates of green tax in the said section. Thereby it is considered appropriate to further categorize vehicles for the sake of imposition of green tax so that pollution prone fuel driven vehicles are discouraged and environment friendly Green fuel driven vehicles are encouraged. Accordingly, section 4-D is proposed to be amended.

A facility to deposit lump sum tax in three equal instalments is provided in the second proviso of section 5 of the Rajasthan Motor Vehicles Taxation Act, 1951. Deposition of lump sum tax in six equal instalments instead of three equal instalments is proposed, for the vehicles which are required to pay lump sum tax compulsorily or who opt to pay lump sum tax. Accordingly section 5 of the Rajasthan Motor Vehicles Taxation Act, 1951 is proposed to be amended.

### **THE RAJASTHAN EXCISE ACT, 1950**

Section 25 provides that for grant of licence, within the limits of places where military forces are stationed, consent of commanding officer is necessary. This rider creates problem for granting licences for manufacture or sale of liquor in such areas. To avert legal disputes and to avoid loss of revenue, this section is proposed to be deleted.

Presently there are no norms for production of beer, spirit and Extra Neutral Alcohol under the provisions of the Act. Therefore, section 42 is proposed to be

amended to empower the Excise Commissioner to prescribe norms for production of beer, spirit and Extra Neutral Alcohol from raw material used.

The manufacturing units established in Rajasthan are carrying on their business under provisions of the Companies Act, but there is no specific provision in Rajasthan Excise Act for fixing the criminal liability for offence committed by a company. There is only reference for a person in the existing rules. It is necessary to insert such type of provision. Hence, a new section 62A is proposed to be inserted.

Section 67 is regarding cognizance of offences to be taken by Magistrate. Section 62A is newly inserted in this Act for fixing the criminal liability for offence committed by a company. Hence it is necessary to amend clause (a) of sub-section (1) of section 67 to include section 62A.

### **THE RAJASTHAN FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2005**

The Rajasthan Fiscal Responsibility and Budget Management Act, 2005 was enacted for the purpose of making State Government manage State finances in a fiscally responsible manner by undertaking fiscal consolidation with time bound targets. In order to take the process of fiscal consolidation further, it is now desirable to provide for creation of equalization funds for setting aside a part of state revenues in the years of above normal revenue growth and using such accumulations in the years of fiscal distress for poverty alleviation and development purposes.

### **INFRASTRUCTURE DEVELOPMENT CESS**

It is considered appropriate to levy a cess on sale or purchase of such goods and at such rates not exceeding six per cent of the sale or purchase price of the goods, to be specified by the State Government. The proceeds of the cess shall be utilized to develop infrastructure in the State and to finance infrastructure projects.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

**वसुन्धरा राजे,**  
**Minister Incharge.**

**संविधान के अनुच्छेद 207 के खण्ड (1) और (3) के अन्तर्गत महामहिम  
राज्यपाल महोदया की सिफारिश**

**[सं.प.12(59)वित्त/कर/2014 दिनांक 14.07.2014**

**प्रेषक: श्रीमती वसुन्धरा राजे, प्रभारी मंत्री, प्रेषित्री: सचिव, राजस्थान विधान  
सभा, जयपुर]**

राजस्थान की राज्यपाल महोदया ने राजस्थान वित्त विधेयक, 2014 की विषयवस्तु से अवगत होने के पश्चात् भारत के संविधान के अनुच्छेद 207 के खण्ड (1) के और (3) अधीन उक्त विधेयक को राजस्थान विधान सभा में पुरःस्थापित और प्रचलित किये जाने और विचारार्थ लिये जाने की सिफारिश की है।

## **FINANCIAL MEMORANDUM**

Clause 53 which seeks to add section 6A in Fiscal Responsibility and Budget Management Act, 2005 authorizes the State Government to utilize the fund constituted under the said section in a year wherein tax receipts of the State are estimated to be less than 10% over the previous year and to meet expenditure on development schemes or poverty reduction programmes.

Due to very nature of the purposes for which the fund is to be created and used, presently precise estimation cannot be made.

**वसुन्धरा राजे,**  
**Minister Incharge.**



## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 9 of the Bill, which seeks to substitute section 24 of the Rajasthan Value Added Tax Act, 2003, shall, if enacted, empower the State Government to prescribe the form of the notice to be issued under that section.

Clause 18 of the Bill, which seeks to substitute section 91 of the Rajasthan Value Added Tax Act, 2003, shall, if enacted, empower the State Government to prescribe fee and the manner in which the dealer may submit the application under that section.

Clause 19 of the Bill, which seeks to substitute sub-section (2) of section 95 of the Rajasthan Value Added Tax Act, 2003, shall, if enacted, empower the State Government to prescribe the manner in which the dealer may give his consent to use the website of the Commercial Taxes Department.

Clause 26 of the Bill, which seeks to substitute section 4AA of the Rajasthan Entertainments and Advertisements Tax Act, 1957, shall, if enacted, empower the State Government to prescribe conditions and manner in which compounded amount by proprietor of hotel or restaurant may be paid.

Clause 30 of the Bill, which seeks to substitute section 8 of the Rajasthan Entertainments and Advertisements Tax Act, 1957, shall, if enacted, empower the State Government to prescribe the manner in which refund shall be made.

Clause 34 of the Bill, which seeks to substitute clause (xxiii) of section 2 of the Rajasthan Stamp Act, 1998, shall, if enacted, empower the State Government to prescribe the authority by which and manner in which, the price of property may be determined.

Clause 35 of the Bill, which seeks to substitute section 4 of the Rajasthan Stamp Act, 1998, shall, if enacted, empower the State Government to prescribe, the manner in which stamp duty be paid or collected and, the manner in which amount of stamp duty paid shall be endorsed on instrument.

Clause 59 of the Bill, if enacted, shall empower the State Government to prescribe the manner and time in which and the authority, to which the returns shall be filed and the late fee for delay in filing returns.

Clause 61 of the Bill, if enacted, shall empower the State Government to make rules regarding-

- (a) the manner in which accounts relating to the proceeds of the cess shall be maintained;
- (b) the manner in which the proceeds of the cess may be applied on the objects specified in section 57;
- (c) the determination of the cost of collection of the cess; or
- (d) generally to carry out the purposes of this Chapter.

The delegation is of normal character and relates to the matters of detail.

**वसुन्धरा राजे,**  
**Minister Incharge.**

**1. EXTRACTS TAKEN FROM THE RAJASTHAN VALUE ADDED TAX  
ACT, 2003  
(Act No. 4 of 2003)**

**XX XX XX XX**

**3. Incidence of tax.-** (1) Subject to the provisions of this Act, every dealer -

- (a) who is an importer of goods; or
- (b) who is a manufacturer of goods and whose annual turnover exceeds rupees two lacs; or
- (c) whose annual turnover exceeds rupees ten lacs,

shall be liable to pay tax under this Act.

(2) to (5) XX XX XX

**XX XX XX XX**

**16. Amendment and cancellation of registration certificate.-** (1) to

(3) XX XX XX

(4) Where-

- (a) any business in respect of which a certificate of registration has been granted to a dealer under this Act, is discontinued permanently; or
- (b) in the case of transfer of business by a dealer, the transferee already holds a certificate of registration under this Act; or
- (c) a dealer has ceased to be required to be registered and to pay tax under this Act; or
- (d) a dealer has obtained the certificate of registration by misrepresentation of facts or by fraud; or
- (e) a dealer has obtained a certificate of registration against the provisions of this Act; or
- (f) a dealer has failed to furnish security within the period specified under section 15 and a period of ninety days has elapsed ; or
- (g) a dealer issues false or forged VAT invoices; or
- (h) a dealer has failed to furnish information, statement or return as required by Commissioner under sub-section (2) of section 91 within the period specified thereunder.

the assessing authority or the authority competent to grant registration may, after affording such dealer an opportunity of being heard and after recording

reasons in writing cancel the certificate of registration from such date as he may deem appropriate.

(5) to (6)	XX	XX	XX
XX	XX	XX	XX

**18. Input Tax Credit.-** (1) XX XX XX

(2) The claim of input tax credit shall be allowed on the tax deposited on the basis of original VAT invoice within three months from the date of issuance of such invoice. However, claim of input tax credit of the additional tax deposited may be allowed on the basis of VAT invoice which has been issued subsequently in compliance with the decision of any competent court or authority, showing the tax at higher rate. If the first VAT invoice is lost, input tax credit may be allowed on the basis of a duplicate copy thereof, subject to such conditions as may be prescribed.

(3) to (4)	XX	XX	XX
XX	XX	XX	XX

**20. Payment of tax.-** (1) XX XX XX

(2) Notwithstanding anything contained in this Act, in the case of works contract, an amount in lieu of tax shall be deducted by the awarder at such rate as notified by the State Government not exceeding six percent of the total value of the contract, in such manner and under such circumstances, as may be prescribed, from every bill of payment to a contractor and such sum shall be deposited or credited in the Government account within the specified time and in the prescribed manner.

(2A) Notwithstanding anything contained in this Act, but subject to the provisions of sub-section (2), where a registered dealer sells goods to a department of the State Government or to a public sector undertaking, corporation or company owned or controlled by the State Government or a co-operative society having contribution of State Government in its share capital or a municipality or a Panchayati Raj Institution at district and block level or any other local authority or statutory body constituted by or under a law of the State Legislature, such department, public sector undertaking, corporation, company, co-operative society, municipality, Panchayati Raj institution, local authority or statutory body, as the case may be, shall deduct from the amount payable to the selling dealer an amount equal to tax payable by such dealer on such goods and shall deposit or credit the same in the Government account, in the manner and in the time as may be prescribed:

Provided that the State Government may, if it considers necessary in the public interest so to do, exempt, by notification in the Official Gazette, any class of sales or purchases from the provision of this sub-section.

(3) to (6)	XX	XX	XX
XX	XX	XX	XX

**22. Assessment on failure to deposit tax or submit return or audit report.-** (1) to (3)      XX                                      XX                                      XX

(4) No order under this section shall be passed after the expiry of nine months from the end of the period for which the tax has not been deposited or, as the case may be, from the last date of submission of return or audit report which has not been submitted.

**23. Self Assessment.-** (1) Every registered dealer who has filed annual return or audit report for the year within the prescribed time shall, subject to the provisions of section 24, be deemed to have been assessed for that year on the basis of annual return filed under section 21 or, as the case may be, the audit report filed under section 73.

(2) Notwithstanding anything contained in sub-section (1), a dealer may opt for quarterly assessment by informing his assessing authority or the officer authorized by the Commissioner in writing, his intention to do so, within thirty days of the commencement of the year for which such option is being exercised. The dealer who has exercised such option and filed return within the prescribed time, shall, subject to the provisions of section 24, be deemed to have been assessed on the basis of return filed under section 21 for the quarter to which it relates. However, for the years 2006-2007 to 2008-2009 such option can be exercised within thirty days from the date of commencement of the Rajasthan Value Added Tax (Amendment) Ordinance, 2008 (Ordinance No.6 of 2008) in the prescribed manner.

(3) The list of the registered dealers assessed under sub-section (1) or (2) may be published through electronic or print media and such publication shall be deemed to be due intimation to such dealers wherever required.

**24. Assessment.-** (1) Every return furnished by a registered dealer shall be subject to such scrutiny as may be determined by the Commissioner, to verify, its correctness and if any error is detected, the assessing authority or the officer authorised by the Commissioner shall serve a notice in the prescribed form on the dealer to rectify the errors and file a revised return within such period as may be specified therein.

(2) Where the registered dealer, who has opted for quarterly assessment, in pursuance of the notice issued under sub-section (1),-

- (a) files revised return in terms of the notice, and deposit the tax, if any, he shall be deemed to have been assessed under sub-section (2) of section 23, as per such revised return;
- (b) does not file revised return or the return filed by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner shall on the basis of material available on record, assess the dealer to the best of his judgment.

(3) Where the registered dealers, who are not covered under sub-section (2), in pursuance of the notice issued under sub-section (1),-

- (a) in case notice is issued for the quarterly return and the dealer files the revised return in terms of the notice and deposits the tax, if any, and no other error is detected in the annual return, then he would be deemed to have been assessed under sub-section (1) of section 23;
- (b) in case notice is issued for the annual return and the dealer files the revised return in terms of the notice and deposits the tax, if any, then he shall be deemed to have been assessed under sub-section (1) of section 23, as per such revised return;
- (c) does not file revised return or the return filed by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner would assess the dealer to the best of his judgment on the basis of material available on record.

(4) Deleted by Rajasthan Finance Act, 2012.

(4A) Deleted by Rajasthan Finance Act, 2012.

(5) No assessment orders under this section shall be passed after the expiry of two years from the end of the relevant year, however, the Commissioner may for reasons to be recorded in writing, extend in any particular case, such time limit by a period not exceeding six months.

(6) Notwithstanding anything contained in sub-section (5), where an assessment order is passed in consequence of or to give effect to any order of an appellate or revisional authority or a competent court, it shall be completed within two years of the communication of such order to the assessing authority, however, the Commissioner may for reasons to be recorded in writing, extend in any particular case, such time limit by a period not exceeding six months.

**25. Assessment in case of avoidance or evasion of tax.-**

(1) to (3)                      XX    XX    XX

(4) Notwithstanding anything contained in this Act, where notice has been issued under sub-section (1), the authority issuing such notice shall be competent to make the assessment for the relevant year or quarter, as the case may be; and assessment, if any, already made shall be subject to the assessment made under this section.

**Explanation.-** For the purpose of this section the expression “date of making out the case” means the date on which notice in pursuance of this section is issued for the first time to the dealer.

**26. Escaped assessment.-** (1) An assessment – (a) of a person who is liable to get registration but has not got himself registered; or

(b) in which, for any reason, the levy of tax or any fee or sum payable under this Act has been escaped wholly or in part; or

(c) wherein tax has been wholly or in part unassessed or under-assessed in any way or under any circumstances,

shall be deemed to be an escaped assessment and the assessing authority or the officer authorized by the Commissioner, shall on the basis of the material on record or after making such enquiry as it may consider necessary, complete such assessment within the time limit provided in sub-section (3).

**Explanation.-** The assessment under this section shall not include that part of the business which has already been assessed or deemed to have been assessed under the provisions of this Act.

(2)                      XX    XX    XX

(3) No notice under sub-sections (1) and (2) shall be issued in respect of any escaped assessment for an year after the expiry of five years, and no assessment under the said sub-sections shall be completed after the expiry of eight years, from the end of the relevant year; but this limitation shall not be applicable to any assessment to be made in consequence of, or to give effect to, any finding or direction contained in any order passed by an appellate authority or the Tax Board or a competent court.

(4)                      XX    XX    XX

**27. Audit of the dealer.-** (1) With a view to promoting compliance with the provisions of this Act, the Commissioner may arrange for audit of the business of

such of the registered dealers who are selected by the Commissioner on the basis of the application of any criterion or on a random selection basis or in respect of whom the Commissioner has reasons to believe that detail scrutiny of their business is necessary.

(2) The audit of the dealer shall be conducted by the auditor in the prescribed manner.

(3) The auditor while conducting audit shall exercise the powers provided under section 75 and shall examine the books of accounts, stock in trade and the related documents of the dealer of the audit period.

(4) If on such audit, the returns filed by the dealer are not found to be correct, or any avoidance or evasion of tax is detected the auditor shall, issue a show cause notice to the dealer containing details of discrepancies detected.

(5) On receipt of the reply to notice issued under sub-section (4), the auditor shall after considering the reply of the dealer assess his tax and other related liabilities and get such order approved from his immediate higher officer before its issuance to the dealer along with the demand notice. Where the dealer fails to submit the reply, the auditor shall proceed to assess the liability of the dealer under this Act, to the best of his judgment. Such assessment shall be deemed to be the assessment of the dealer for the relevant period and assessment, if any, already made shall be subject to the assessment made under this section.

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**38. Liability for payment of tax or demand.-** (1) to (6) **XX** **XX**

(7) Notwithstanding anything contained in this Act, the Commissioner may,–

- (a) on the recommendation of the State Government defer the recovery of demand payable by an industrial unit declared as sick by the Board of Industrial and Financial Reconstruction constituted under the Sick Industrial Companies (Special Provisions) Act, 1985 (Central Act No. 1 of 1986) to such extent, for such period and on such conditions with regard to the payment or rate of interest as may be deemed proper;
- (b) after having conducted such enquiry as he deems necessary and after recording his reasons for so doing, permit deferment of payment of tax arrears for a maximum period of three years and thereafter, order recovery thereof in sixty monthly instalments in case of such sick industrial units and such industrial units facing incipient sickness as



may be specified by the Committee constituted for the purpose by the State Government.

XX XX XX XX

**53. Refund.-** (1) to (3) XX XX XX

(4) An amount refundable under this Act shall be refunded within thirty days from the date on which it becomes due and if such amount is not refunded within the aforesaid period of thirty days, it shall carry interest with effect from the date of expiry of the aforesaid period up to the date of payment, at such rate as may be notified by the State Government.

(5) to (6) XX XX XX

XX XX XX XX

**61. Penalty for avoidance or evasion of tax.-** (1) Where any dealer has concealed any particulars from any return furnished by him or has deliberately furnished inaccurate particulars therein or has concealed any transactions of sale or purchase from his accounts, registers or documents required to be maintained by him under this Act or has avoided or evaded tax in any other manner, the assessing authority or any officer not below the rank of an Assistant Commercial Taxes Officer as may be authorized by the Commissioner, may direct that such dealer shall pay by way of penalty, in addition to the tax payable by him under this Act, a sum equal to two times of the amount of tax avoided or evaded.

(2) XX XX XX

XX XX XX XX

**67. Prosecution for offences.-** (1) Where any person –

- (a) though not registered under this Act, yet falsely represents that he is a registered dealer at the time of any sale or purchase made by him or at the time of making any statement or declaration before any officer or authority appointed or constituted under this Act; or
- (b) knowingly prepares or produces false accounts, sales and purchase invoices, VAT invoices, registers or documents; or knowingly furnishes false returns in relation to his business or makes a false disclosure or averment in any statement required to be recorded or in any declaration required to be filed under this Act or the rules or notifications; or
- (c) fraudulently avoids or evades tax or deliberately conceals his tax liability in any manner; or

(d) fails to pay the amount of any demand notice and a period of not less than six months has elapsed since the receipt of the demand notice by him;

**Explanation.-** An offence under this clause shall be deemed to be a continuing offence until full payment is made; or

(e) deliberately disregards a notice issued under sections 50 and 91; or

(f) prevents or obstructs, in any manner, the competent officer under this Act, to enter, inspect and search the business place or any other place where the goods or the accounts, registers and other documents are believed to be kept, or prevents or obstructs such officer to seize the goods or the accounts, registers and documents; or

(g) fails to stop the vehicle or carrier transporting the goods, of which he is the driver or otherwise Incharge, for being inspected in accordance with the provisions of this Act, or prevents or obstructs the inspection, of the goods or the vehicle or the carrier transporting the goods, by the Incharge of a check post or barrier or other officer empowered in this behalf to discharge his duties by the Commissioner; or

(h) imports into or exports from the State of Rajasthan, any goods showing incorrect or fictitious names or addresses of consignors or consignees or incorrect details of goods or incorrect particulars in vouchers, way bills or goods receipts or other documents accompanying the goods while in movement; or

(i) fraudulently avails wrong credit of input tax; or

(j) aids or abets any person in the commission of any such offence as aforesaid,

on a complaint being made against such person by the assessing authority or any other competent officer after having obtained sanction from the Commissioner, he shall, on conviction by a Judicial Magistrate having jurisdiction, be punishable with simple imprisonment for a term which may extend to six months and with fine not exceeding rupees five thousand, and for the offences covered under clauses (b), (c), (f), (g), and (i) with a minimum sentence of simple imprisonment of three months.”

(2) to (4)	XX	XX	XX
XX	XX	XX	XX

**91. General powers of the Commissioner.-** (1) Subject to the provisions of this Act and the rules made there under, the Commissioner shall be empowered to formulate guidelines or issue administrative instructions, in particular or in general, for carrying out the purposes of this Act and the rules.

(2) For the purposes of official use, the Commissioner may, by notice in any newspaper, or in such other manner as he deems proper, call upon all dealers or any class of dealers or persons to furnish such information, statement or return as may be specified in the notice issued in this behalf.

**XX** **XX** **XX** **XX**

**95. Automation.-** (1) **XX** **XX** **XX**

(2) Where any notice, communication or intimation is prepared on any automated data processing system and is properly served on any dealer or person, then the said notice, communication or intimation shall not be required to be personally signed by any officer or person and the said notice, communication or intimation shall not be deemed to be invalid only on the ground that it is not personally signed by any such officer.

**96. Constitution of Tax Settlement Board.-** (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, constitute a Tax Settlement Board consisting of a Chairperson and such other members, as it may deem fit, to resolve such disputes, as may be prescribed, relating to outstanding demand of tax, or arrears of tax, interest or penalty payable under this Act; and such Board shall undertake to resolve the dispute whenever so requested by the dealer or person concerned.

(2) The Tax Settlement Board shall have such powers and follow such procedure as may be prescribed.

(3) The order of settlement passed by the Tax Settlement Board shall be final and shall not be called in question in any Civil Court or any other authority.

**XX** **XX** **XX** **XX**

**2. EXTRACTS TAKEN FROM THE RAJASTHAN TAX ON LUXURIES  
(IN HOTELS AND LODGING HOUSES) ACT, 1990  
(Act No. 9 of 1996)**

XX XX XX XX

**12. Registration.-** (1) Every hotelier liable to pay tax under this Act shall obtain registration certificate from the appropriate Luxury Tax Officer in such manner and form as may be prescribed.

(2) to (3) XX XX XX

(4) If the Luxury Tax Officer is satisfied that the application for registration is in order, he shall register the applicant and issue to him a certificate of registration in the prescribed form.

(5) to (6) XX XX XX

(7) Where a registered hotelier discontinues, transfers or otherwise disposes of his activity of providing accommodation by way of business or where he ceases to be liable to pay the tax, the Luxury Tax Officer may *suo motu* or on application of such hotelier in the prescribed form, shall, after making such inquiry as may be necessary, cancel the certificate of registration with effect from such date as he may fix in accordance with the rules:

Provided that, the cancellation of certificate of registration on an application of the hotelier or otherwise shall not effect the liability of the hotelier to pay the tax (including any penalty or interest) due for any period up to the date of cancellation whether such tax (including any penalty or interest) is assessed before or after the date of cancellation.

XX XX XX XX

**20. Levy of Interest.-** If a hotelier does not pay tax within the time he is required to pay tax under the provisions of this Act or does not deposit any demand arising as the result of assessment, rectification, reassessment or other order within the time provided in this Act, he shall be liable to pay interest at the rate of two percent of the amount of such tax or demand for each month or part of it after the last day by which he should have paid such tax or demand.

XX XX XX XX

**3. EXTRACTS TAKEN FROM THE RAJASTHAN ELECTRICITY (DUTY)  
ACT, 1962  
(Act No. 12 of 1962)**

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**3. Electricity duty on energy consumed.-** There shall be levied for, and paid to, the State Government on the energy consumed by a consumer or by a person other than a supplier generating energy for his own use or consumption a duty (hereinafter referred to as the 'electricity duty') computed at such rate as may be fixed by the State Government from time to time by notification in the Official Gazette:

Provided that-

(1) In respect of consumption of energy under a temporary connection obtained by a consumer from the supplier for a period not exceeding such number of days, for such purpose and exceeding such units as may be prescribed, the duty may be computed at a rate as may be fixed by the State Government from time to time by a notification in the Official Gazette;

(1A) The total of the duty so levied and the net rate charged per unit shall not exceed the rate as may be notified by the State Government from time to time by a notification in the Official Gazette; and

(1B) Where energy is consumed by a cultivator in agricultural operations under a non-metered supply, the electricity duty shall be levied and charged at a rate as may be notified by the State Government from time to time.

(2) the electricity duty shall not be levied on the energy consumed-

(a) by the Government of India;

(b) in the construction, maintenance or operation of any railway by the Government of India;

(bb) where the energy is generated at a voltage not exceeding 100 volts;

(d) by the following classes of institutions, namely:-

(i) hospitals or dispensaries which are not maintained for private gain,

(ii) recognised educational institutions,

(iii) places of public worship,

subject to the condition that the exemption under this sub-clause shall not be applicable to energy consumed in buildings or part of buildings used for commercial or residential purposes.

(3) Where the State Government is of opinion that it is necessary or expedient in the public interest to do so, it may by notification in the Official Gazette, and on such terms, conditions and restrictions as may be laid down in the notification, reduce or remit where prospectively or retrospectively,-

- (a) the electricity duty on the energy consumed-
  - (i) by a consumer in any industry in the manufacture, production, processing or repair of goods;
  - (ii) by a person generating energy for his own use or consumption;
  - (iii) by or in respect of any mine as defined in the Mines Act, 1952 (Central Act No. 35 of 1952),
- (b) the electricity duty on the energy consumed by or in respect of any Municipality or Panchayati Raj institutions or other local authority, for the purpose or in respect of public street lighting;
- (c) the electricity duty on the energy consumed by such other class of consumers as may be prescribed by the State Government, subject, however, in the case of clause (a), to the condition that any reduction, or remission so made shall not be applicable to energy consumed in respect of any premises used for commercial or residential purposes.

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#### **4. EXTRACTS TAKEN FROM THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957**

**(Act No. 24 of 1957)**

XX XX XX XX

**3. Definitions.-** In this Act, unless the subject or context otherwise requires,-

(1) "Admission" includes admission as spectator or as one of an audience and admission for the purpose of amusement by taking part in an entertainment;

(2) "Admission to an Entertainment" includes admission to any place in which an entertainment is held;

(2A) to (4) XX XX XX

(4A) “direct to home broadcasting service” means distribution of multi-channel television programmes by using satellite system by providing television signals direct to the premises of subscribers without passing through an intermediary such as cable service.

(4AA) to (5)                      XX                      XX                      XX

(6) “entertainment tax” means the tax- levied and charged under section 4, 4AA and 4AAA and includes the additional tax payable under section 6A,

(6A)                      XX                      XX                      XX

(7) “payment for admission” includes,-

(a) any payment made by a person who, having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required,

(b) any payment for seats or other accommodation in a place of entertainment,

(c) any payment for a programme or synopsis of an entertainment, and

(d) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of his attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment:

Provided that the entertainment tax or additional entertainment tax or any surcharge on any such tax leviable under this Act shall not be included in the payment for admission if the amount due on account of such entertainment tax, additional entertainment tax or surcharge is separately and expressly shown on the ticket authorizing admission to an entertainment.

(8) “proprietor” in relation to an entertainment includes any person responsible for, or for the time being in-charge of the management thereof;

(8A) to (11)                      XX                      XX                      XX

(11A) “subscriber” means a person who receives the signals of cable television network at a place indicated by him to the proprietor of the cable televisions network without further transmitting it to any other person;

**Explanation:** In case of hotels each room or premises where facility for receiving signals of cable television network have been attached shall be treated as subscriber.

(12) to (13)           XX                           XX                           XX

**4. Levy of tax on payment for admission.-** (1) There shall be levied, charged and paid to the State Government on all payments for admission to an entertainment, a tax at such rate not exceeding 100 per cent of the payment for admission, as may be notified by the State Government, from time to time, subject to a minimum of five paise in any one case, the amount of tax wherever necessary shall be rounded off to the nearest multiple of five paise, fractions of two and half paise or more being counted as five paise, and less than two and half paise being ignored.

(1A) to (6)   XX                           XX                           XX  
**XX                           XX                           XX                           XX**

**4AA. Levy of Tax on Cable Service.-** (1) The proprietor of a cable television network providing cable service shall be liable to pay entertainment tax at such rates not exceeding rupees six hundred per subscriber for every year, as the State Government may, from time to time, notify in the Official Gazette, in this behalf.

(2) Nothing in sub-section (1) shall preclude the State Government from notifying different rates of entertainment tax for entertainment in a household or in different categories of hotels.

(3) Where the subscriber is a hotel or a restaurant, the proprietor may in lieu of payment under sub-section (1), pay a consolidated payment to the State Government on such conditions and in such manner as may be prescribed and at such rate as the State Government may from time to time notify in the Official Gazette and different rates of consolidated payment may be notified for the different categories of hotels.

**4AAA. Levy of tax on direct to home broadcasting service.-** The proprietor of a direct to home broadcasting service shall be liable to pay entertainment tax at such rates, not exceeding twenty per cent of the monthly subscription charges per subscriber, as the State Government may, from time to time, notify in the Official Gazette, in this behalf and different rates may be notified for different subscribers.

**XX                           XX                           XX                           XX**

**5B. Assessment.-** (1)   XX                           XX                           XX

(2) If no return is submitted by the proprietor under sub-section (3) of section 5 and sub-section (1) of section 5-A with in the period prescribed or if the return submitted by him appears to be incorrect or incomplete, the prescribed



authority shall, after making such enquiry as it considers necessary, determine the tax due under all or any of the provisions of sections 4, 4A, 4AA, 4AAA. and 6A and assess the proprietor to the best of its judgment:

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.

(3) XX XX XX  
XX XX XX XX

**6. Admission to entertainments.-** (1) Save as otherwise provided by this Act, no person other than a person who has to perform some duty in connection with an entertainment imposed upon him by any law or otherwise shall be admitted for payment to an entertainment where the payment is subject to the entertainments tax, except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the State Government for the purpose of revenue and denoting that the proper entertainments tax has been paid.

(2) XX XX XX

(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may, on the application of the proprietor of any entertainment in respect of which the entertainments tax is payable under this Act, allow such proprietor, on such conditions, as may be prescribed-

(a) to compound the tax payable in respect of such entertainment for a fixed sum, or

(b) to pay the amount of the tax due-

(i) by a consolidated payment of such percentage of the gross sum received by the proprietor or on account of payment for admission to the entertainment and on account of the tax, as the State Government may, fix or

(ii) in accordance with returns of the payments for admission to the entertainment and on account of the tax, or

(iii) in accordance with the results recorded by any mechanical contrivance which automatically registers the number of persons admitted.

(4) XX XX XX  
XX XX XX XX

**8. Refunds in certain cases.-** Upon being satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes and that in calculating the net proceeds not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the entertainment, the State Government may repay to the proprietor the amount of the entertainments tax, if any, paid in respect of the entertainment.

XX XX XX XX

**9-A. Interest on failure to pay tax or penalty.-** (a) If the amount of any tax payable under sections 4, 4A, 4AA, 4AAA or 6A is not paid in the manner provided in section 5 or 5A within the period allowed, or

(b) XX XX XX

XX XX XX XX

**10-B. Penalty for non-payment of tax on cable service.-** Where the proprietor of a cable television network providing cable service, contravenes provisions of this Act or the rules made thereunder or fails to comply with any order or direction issued in accordance with the provisions of this Act or the rules made thereunder, shall on conviction, be punishable with a fine not exceeding two thousand rupees.

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**5. EXTRACTS TAKEN FROM THE RAJASTHAN TAX ON ENTRY OF  
GOODS INTO LOCAL AREAS ACT, 1999  
(Act No. 13 of 1999)**

XX XX XX XX

**(3) Levy of Tax.-** (1) There shall be levied, collected and paid to the State Government a tax on entry of any goods brought into a local area, of consumption, use or sale therein, with effect from such date and at such rates, not exceeding twenty percent of the value of the goods, as may be specified by the State Government, by notification in the official Gazette, and different dates and different rates may be specified in respect of different goods or different class of goods or different local areas.

XX XX XX XX

**6. EXTRACTS TAKEN FROM THE RAJASTHAN STAMP ACT, 1998  
(Act No. 14 of 1999)**

XX XX XX XX

**2. Definitions.-** In this Act, unless there is something repugnant in the subject or context.-

(i) to (xxii)                      XX                      XX                      XX

(xxiii) "market value" in relation to any property, which is the subject matter of an instrument, means the price which such property would have fetched if sold in open market on the date of execution of such instrument, or the consideration stated in the instrument, whichever is higher;

(xxiv) to (xxxvii)                      XX                      XX                      XX

XX    XX    XX    XX

**4. Payment of stamp duty in cash.-** (1) Where the State Government or the collector under instructions of the State Government by order published in the Official Gazette declare that adhesive or impressed stamps of any denomination are not in stock for sale in sufficient quantity; then notwithstanding anything contained in this Act or the rules made thereunder and during the period the said order remains in force,-

- (i) any instrument chargeable with the stamp duty under this Act may be executed on an unstamped paper;
- (ii) the stamp duty chargeable on such instrument under this Act may be paid to or collected by any Government treasury in cash and a receipt or challan therefor shall be duly given by the officer receiving the cash;
- (iii) the officer-in-charge of the Government treasury shall, as soon as may be after the stamp duty chargeable on any such instrument under this Act has been received in cash, make on the instrument for which the stamp duty has been paid in cash, the following endorsement, after due verification that the stamp duty had been paid in cash for such instrument, and after cancelling such receipt or challan so that it cannot be issued again, namely:-

Stamp duty of Rs.....paid in cash, vide receipt/challan No.....dated.....

- (iv) the instrument endorsed under clause (iii) shall be deemed to be duly stamped under this Act and may be used or acted upon as such to all intents and for all purposes.

**Explanation.-** For the purposes of sub-section (1) "Government Treasury" includes a Government Sub-Treasury and

any other place as the State Government may, by notification in the Official Gazette, appoint in this behalf.

(2) An order made under sub-section (1) shall remain in force for such time as may be specified therein:

Provided that the State Government or the Collector under the instructions of the State Government may, by notification in the Official Gazette, from time to time, extend the period of such order for such further time as may be considered necessary for making stock of adhesive or impressed stamps available for sale.

(3) The State Government may, by order in the Official Gazette, direct that the power exercisable by it or by the Collector or by the officer-in-charge of a Government Treasury under this section may be exercised by such other officer as may be specified in the order.

(4) Nothing contained in this section shall apply to the payment of stamp duty chargeable on the instruments specified in entry 91 of list 1 of the Seventh Schedule to the Constitution of India.

(5) An order under this section may be made for the whole or any part of State.

(6) Nothing contained in this section shall, during the period an order under this section remains in force, render invalid any stamp which may be used in accordance with the other provisions of this Act.

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**39. Instruments not duty stamped inadmissible in evidence, etc.-** No instrument chargeable with duty under this Act shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped :

Provided that,-

- (a) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of,-
- (i) the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, of the amount required to make up such duty; and
  - (ii) a penalty of one hundred rupees, or, ten times the amount of deficient portion thereof, whichever is higher.

	(b) to (g)	XX	XX	XX
XX		XX	XX	XX

**43. Collector's power to refund penalty paid under sub-section (1) of section 42.-** (1) When a copy of an instrument is sent to the Collector under sub-section(1)of section 42, he may, if he thinks fit, refund any portion of the penalty in excess of one hundred rupees which has been paid in respect of such instrument.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

**44. Collector's power to stamp instrument impounded.-** (1) When the Collector,-

(a) impounds any instrument under section 37, or

(b) receives any instruments sent to him under sub-section (2) of section 42, and such instrument is chargeable with a duty under this Act, he shall adopt the following procedure,-

(i) if he is of opinion that such instrument is duly stamped or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;

(ii) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of proper duty or the amount required to make up the same, together with a penalty of one hundred rupees; or, if he thinks fit an amount not exceeding ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of one hundred rupees:

Provided that, when instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

	(2) to (3)	XX	XX	XX
XX		XX	XX	XX

**51. Instruments undervalued, how to be valued.-** (1) to (2) XX XX

(3) On receipt of the instrument under sub-section (1) or (2) the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in the prescribed manner, determine the market value and duty including the penalty not exceeding ten times the deficient stamp duty chargeable and surcharge, if any, payable thereon if the amount of duty including penalty and surcharge if any, so determined exceeds the amount of duty including penalty and

surcharge, if already paid, the deficient amount shall be payable by the person liable to pay the duty including penalty and surcharge, if any.

(4) XX XX XX

(5) The Collector may, *suo motu* or on a reference made under sub-section (4) call for and examine any instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or the executant or any other person for the purpose of satisfying himself as to correctness of the market value of the property, and if after such examination, he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine in accordance with the procedure provided in sub-section (3) the market value and the amount of stamp duty together with a penalty not exceeding ten times the deficient stamp duty chargeable on it, which shall be payable by the person liable to pay the stamp duty, and penalty.

(6) to (7) XX XX XX

XX XX XX XX

**53. Determination of the correct nature of the document and the recovery of proper duty.-** (1) to (2) XX XX XX

(3) On receipt of document or instrument under sub-section (1) or (2), the Collector shall, after giving the parties a reasonable opportunity of being heard, determine the correct nature of the document or instrument and the duty including penalty not exceeding ten times the deficient stamp duty chargeable and surcharge, if any, payable thereon and may require the payment of the duty including penalty and surcharge, if any, so determined or the amount required to make up the same.

(4) XX XX XX

(5) The Collector may, *suo motu* or on a reference made under sub-section (4) or otherwise call for and examine any document or instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or executant or any other person, which has been registered and returned to the executant or any other person for the purpose of satisfying himself as to the correctness with regard to the nature of the document or instrument and if he is satisfied after giving the parties a reasonable opportunity of being heard, that the nature of document or instrument had not correctly been mentioned or determined, he may determine the correct nature of the document or instrument and the duty, if any, payable thereon together with a penalty not exceeding ten times the deficient stamp duty chargeable on it and require payment of duty including penalty, if any so determined or the amount required to make up the same.

(6) XX XX XX  
 XX XX XX XX

**72. Interest on failure to pay duty, fee or penalty.-** Where any amount of duty, fee or penalty is recoverable from a person as a result of any order passed in any proceedings under this Act (including determination, appeal, revision, rectification or otherwise) and such duty, fee or penalty is not paid by such person, he shall be liable to pay interest at the rate of 18 percent compounded per annum on the amount of duty, fee or penalty from the date of order until the date of payment of such amount.

**THE SCHEDULE**

(See section 3)

Description of Instrument 1	Proper Stamp Duty 2
1. to 4. XX XX	XX
<b>5. Agreement or memorandum of an agreement-</b>	
(a) to (e) XX XX	XX
(f) if relating to project under Built, Operate and Transfer (BOT) system, whether with or without toll or fee collection rights;	0.2 per cent on the amount agreed in the contract subject to minimum of one hundred rupees.
(g) to Exemption XX XX	XX
<b>5-A. Record of Transaction (Electronics or Otherwise)</b> effected by a trading member through the association or stock exchange referred to in section 2, clause (ia) and (xxxvi),	
(a) if relating to sale and purchase of Government securities.	Fifty rupees for every rupees one crore or part thereof of the value of security.
(b) if relating to purchase or sale of securities, other than those falling under item (a) above.-	
(i) in case of delivery	One rupees of every rupees 10,000 or part thereof.
(ii) in case of non delivery	Twenty paise for every rupees 10,000 or part thereof.
(c) if relating to futures and options trading.	Twenty paise for every rupees

	10,000 or part thereof.
(d) if relating to forward contracts of commodities traded through an association or otherwise.	One rupee of every rupees 1,00,000 or part thereof.
<p><b>Explanation-I</b> Any duty paid under this article shall be adjusted towards the duty chargeable if any under article 5, 18,34,40,52, as the case may be.</p> <p><b>Explanation-II</b> For the purpose of clause (b), securities shall have the same meaning as defined by the Securities Contract (Regulation) Act, 1956.</p>	
<b>6. to 20.</b>	XX XX XX

<b>21. Conveyance</b> as defined by section 2 (xi),-	
(i) if relating to immovable property.	Eleven percent of the market value of the property.
(ii) if relating to movable property.	Half (0.5) percent of the market value of the property.
(iii) if relating to the order under section 394 of the Companies Act, 1956 (Central Act No. 1 of 1956) or section 44-A of the Banking Regulation Act, 1949 (Central Act No.10 of 1949).	Ten percent of the market value of the property.
<b>Exemption:</b> Assignment of copy right by entry made under the Indian Copy Right Act 1957 (Act No.14 of 1957).	
<b>Explanation:-</b> (i) For the purpose of this article an agreement to sell an immovable property or an irrevocable power of attorney or any other instrument executed in the course of conveyance or lease e.g. allotment letters, patta, licence etc. shall, in case of transfer of the possession of such property before, at the time of or after the execution of any such instrument, be deemed to be a conveyance and the stamp duty thereon shall be chargeable accordingly:	



<p>Provided that the provisions of section 51 shall be applicable <i>mutatis mutandis</i> to such agreement or power of attorney or instruments as are applicable to a conveyance:</p> <p>Provided further that the stamp duty already paid on such agreement or power of attorney or instrument shall at the time of the execution of a conveyance one lease in pursuance of such instrument subsequently, be adjusted towards the total amount of duty chargeable on the conveyance or lease.</p>	
<p><b>Explanation:-</b>(ii) For the purposes of clause (iii), the market value of the property shall be deemed to be the amount of total value of shares issued or allotted Transferee Company, either in exchange or otherwise, and the amount of consideration, if any, paid for such amalgamation or reconstruction, as the case may be.</p>	
22. to 58.	XX XX XX
XX	XX XX XX

**7. EXTRACTS TAKEN FROM THE RAJASTHAN MOTOR VEHICLES  
TAXATION ACT, 1951  
(Act No. 11 of 1951)**

**XX XX XX XX**

**"4-D. Levy of Green Tax.-** (1) There shall be levied and collected a cess called "green tax", in addition to the tax levied under sections 4, 4-B and 4-C of the Act, on such vehicles suitable for use on road as specified in column (2), at such time as specified in column (3), of the table below at such rates, not exceeding the maximum rates specified in column (4) of the table, as may be fixed by the State Government by notification in the Official Gazette, for the purpose of implementation of various measures to control air pollution.

**TABLE**

<b>S. No.</b>	<b>Class of the vehicle</b>	<b>Time</b>	<b>Maximum rate of cess (in Rupees)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	Non-transport vehicle (a) two wheelers (b) other than two wheelers	at the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of certificate of registration under sub-section (10) of section 41 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988).	750.00 1500.00
2.	Transport vehicle	At the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of fitness certificate under section 56 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988)	600.00

(2) The provisions of this Act and the rules made thereunder excluding those relating to refund of tax shall, so far as may be, apply in relation to the imposition, payment, computation and recovery of the cess payable under sub-section (1), as they apply to the imposition, payment, computation and recovery of tax payable under this Act.

**XX****XX****XX****XX**

**5. Payment of tax.-** (1) Save as otherwise provided by or under this Act and subject to the provisions of sub-section (2), the tax leviable under section 4, section 4-B and section 4-C shall be paid by every owner or by the person having possession or control of a motor vehicle in advance in the manner prescribed by the State Government:

Provided that the State Government may, if satisfied that there are sufficient reasons for doing so, by notification in the Official Gazette, extend whether prospectively or retrospectively the time limit for payment of tax in case of particular classes of vehicles or persons liable to pay tax under this Act:

Provided further that the lump sum tax payable under section 4-C may be paid in full or in three equal installments within a period of one year in such manner as may be prescribed by the State Government:

Provided also that in case of the class of vehicles specified under second proviso to section 4C, the tax shall be paid in full in such manner as may be prescribed by the State Government.

(2) to (4)	XX	XX	XX
XX	XX	XX	XX

## **8. EXTRACTS TAKEN FROM THE RAJASTHAN EXCISE ACT, 1950 (Act No. 2 of 1950)**

XX	XX	XX	XX
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**25. Manufacture and sale of liquor in military cantonments.-** Within the limits of places in which any military forces are stationed and within such distance from those limits as the State Government in any case may prescribe, no licences for the manufacture or sale of liquor, or for an exclusive privilege in respect of liquor under section 24 shall be granted unless with the consent of the Commanding Officer.

XX	XX	XX	XX
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**42. Power of Chief Excise Authority to make rules.-** The Excise Commissioner may, subject to the previous sanction of the State Government make rules-

- (a) regulating the manufacture, supply, storage or sale of any excisable article including-
  - (i) the erection, alteration, repair, inspection, supervision, management and control of any place for the manufacture, supply, storage or sale of such article or drug and the fittings, implements and apparatus to be maintained therein;
  - (ii) the cultivation of the hemp plant (*Cannabis Sativa*);
  - (iii) the collection of portions of the hemp plants (*Cannabis Sativa*) from which many intoxicating drugs can be manufactured and the manufacture of any intoxicating drug therefrom;

- (iv) the bottling of liquor for the purpose of sale;
- (b) regulating the deposit of any excisable article in a warehouse and the removal thereof from any such warehouse or from any distillery, pot-still or brewery;
- (c) prescribing the scale of fees or the manner of fixing the fees payable in respect of any licence, permit or pass or of the storing of any excisable article;

**Explanation.-** Fees may be prescribed under this sub-clause at different rates for different classes of licence, permits, passes or storage, and for different areas.

- (d) regulating the time, place and manner of payment of any duty or fee;
- (e) prescribing the restrictions under and the conditions on which any licence, permit or pass may be granted including provisions for the following matters:-
  - (i) the prohibition of the admixture with any excisable article of any substance deemed to be noxious or objectionable;
  - (ii) the regulation or prohibition of the reduction of liquor by a licensed manufacturer or licensed vendor from a higher to a lower strength;
  - (iii) the fixing of the strength, price or quantity in excess of or below which any excisable article shall not be sold or supplied or possessed and of the quantity in excess of which denatured spirit shall not be possessed, and the prescription of a standard of quality for any excisable article;
  - (iv) the prohibition of sale except for cash;
  - (v) the fixing of the days and hours during which any licensed premises may or may not be kept open, and the closure of such premises on special occasions;
  - (vi) the specification of the nature of the premises in which any excisable article may be sold and the notices to be exposed at such premises;
  - (vii) the form of accounts, to be maintained and the returns to be submitted by licence-holders; and
  - (viii) the regulation of the transfer of licenses;
- (f) (i) declaring substance and the process by which spirit manufactured in India shall be denatured;

- (ii) for causing such spirit to be denatured through the agency or under the supervision of Excise Officer;
- (iii) for ascertaining whether such spirit has been denatured.
- (g) providing for the destruction or other disposal of any excisable article deemed to be unfit for use;
- (h) regulating the disposal of confiscated articles.

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**67. Cognizance of offences and credit of fines to Excise Department.-** (1)  
No Magistrate shall take cognizance of an offence punishable-

- (a) under section 54 or section 54B or section 54D or section 57 or section 59 or section 63 except on his own knowledge or suspicion or on a complaint or the report of an Excise Officer; or

(b) **XX** **XX** **XX**

(2) to (3) **XX** **XX** **XX**

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