रजिस्ट्री सं० डी० 221 REGISTERED No. D 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खंड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 41] नई दिल्ली, शनिवार, अगस्त 30, 1969/भाद्र 8, 1891
No. 41] NEW DELHI, SATURDAY, AUGUST 30, 1969/BHADRA 8, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 30th August, 1969/Bhadra 8, 1891 (Saka)

The following Act of Parliament received the assent of the President on the 30th August, 1969, and is hereby published for general information:—

THE CENTRAL SALES TAX (AMENDMENT) ACT, 1969

(AS PASSED BY THE HOUSES OF PARLIAMENT)

No. 28 OF 1969

[*30th August*, 1969]

An Act further to amend the Central Sales Tax Act, 1956 and to provide for certain other matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Central Sales Tax (Amendment) Act, 1969. Short title.

74 of 1956. 2. In section 2 of the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act), in clause (*j*), for the words "and determined in the prescribed manner", the words "and determined in accordance with the provisions of this Act and the rules made thereunder" shall be, and shall be deemed always to have been, substituted. Amendment of section 2.

3. In section 6 of the principal Act,— Amendment of section 6.

(*a*) after sub-section (*1*), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

"(*1A*) A dealer shall be liable to pay tax under this Act on a sale of any goods effected by him in the course of inter-State

trade or commerce notwithstanding that no tax would have been leviable (whether on the seller or the purchaser) under the sales tax law of the appropriate State if that sale had taken place inside that State.";

(*b*) in sub-section (*2*), for the word, brackets and figure "sub-section (*1*)", the words, brackets, figures and letter "sub-section (*1*) or sub-section (*1A*)" shall be, and shall be deemed to have been, substituted with effect from the 1st day of October, 1958.

Amendment of section 8.

4. In section 8 of the principal Act, in sub-section (*2A*), for the words, brackets and figures "Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*)", the words, brackets, figures and letter "Notwithstanding anything contained in sub-section (*1A*) of section 6 or in sub-section (*1*) or sub-section (*2*) of this section" shall be, and shall be deemed to have been, substituted with effect from the 1st day of October, 1958.

Insertion of new section 8A.

5. After section 8 of the principal Act, the following section shall be, and shall be deemed always to have been, inserted, namely:—

Determination of turnover.

"8A. (*1*) In determining the turnover of a dealer for the purposes of this Act, the following deductions shall be made from the aggregate of the sale prices, namely:—

(*a*) the amount arrived at by applying the following formula—

$$\frac{\text{rate of tax} \times \text{aggregate of sale prices}}{\text{100 plus rate of tax}}$$:

Provided that no deduction on the basis of the above formula shall be made if the amount by way of tax collected by a registered dealer, in accordance with the provisions of this Act, has been otherwise deducted from the aggregate of sale prices.

Explanation.—Where the turnover of a dealer is taxable at different rates, the aforesaid formula shall be applied separately in respect of each part of the turnover liable to a different rate of tax;

(*b*) the sale price of all goods returned to the dealer by the purchasers of such goods,—

(*i*) within a period of three months from the date of delivery of the goods, in the case of goods returned before the 14th day of May, 1966;

(*ii*) within a period of six months from the date of delivery of the goods, in the case of goods returned on or after the 14th day of May, 1966:

Provided that satisfactory evidence of such return of goods and of refund or adjustment in accounts of the sale price thereof is produced before the authority competent to assess or, as the case may be, re-assess the tax payable by the dealer under this Act; and

(*c*) such other deductions as the Central Government may, having regard to the prevalent market conditions, facility of trade and interests of consumers, prescribe.

(2) Save as otherwise provided in sub-section (1), in determining the turnover of a dealer for the purposes of this Act, no deduction shall be made from the aggregate of the sale prices.".

Substitution of new section for section 9.

6. For section 9 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Levy and collection of tax and penalties.

"9. (1) The tax payable by any dealer under this Act on sales of goods effected by him in the course of inter-State trade or commerce, whether such sales fall within clause (a) or clause (b) of section 3, shall be levied by the Government of India and the tax so levied shall be collected by that Government in accordance with the provisions of sub-section (2), in the State from which the movement of the goods commenced:

Provided that, in the case of a sale of goods during their movement from one State to another, being a sale subsequent to the first sale in respect of the same goods, the tax shall, where such sale does not fall within sub-section (2) of section 6, be levied and collected in the State from which the registered dealer effecting the subsequent sale obtained or, as the case may be, could have obtained, the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods.

(2) Subject to the other provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the general sales tax law of the appropriate State shall, on behalf of the Government of India, assess, re-assess, collect and enforce payment of tax, including any penalty, payable by a dealer under this Act as if the tax or penalty payable by such a dealer under this Act is a tax or penalty payable under the general sales tax law of the State; and for this purpose they may exercise all or any of the powers they have under the general sales tax law of the State; and the provisions of such law, including provisions relating to returns, provisional assessment, advance payment of tax, registration of the transferee of any business, imposition of the tax liability of a person carrying on business on the transferee of, or successor to, such business, transfer of liability of any firm or Hindu undivided family to pay tax in the event of the dissolution of such firm or partition of such family, recovery of tax from third parties, appeals, reviews, revisions, references, refunds, penalties, compounding of offences and treatment of documents furnished by a dealer as confidential, shall apply accordingly:

Provided that if in any State or part thereof there is no general sales tax law in force, the Central Government may, by rules made in this behalf make necessary provision for all or any of the matters specified in this sub-section.

(3) The proceeds in any financial year of any tax, including any penalty, levied and collected under this Act in any State (other than a Union territory) on behalf of the Government of India shall be assigned to that State and shall be retained by it; and the proceeds

attributable to Union territories shall form part of the Consolidated Fund of India.".

Amendment of section 10A.

7. Section 10A of the principal Act shall be, and shall be deemed to have been, renumbered with effect from the 1st day of October, 1958 as sub-section (*1*) of that section and after the said sub-section (*1*), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the said day, namely:—

"(*2*) The penalty imposed upon any dealer under sub-section (*1*) shall be collected by the Government of India in the manner provided in sub-section (*2*) of section 9—

(*a*) in the case of an offence falling under clause (*b*) or clause (*d*) of section 10, in the State in which the person purchasing the goods obtained the form prescribed for the purposes of clause (*a*) of sub-section (*4*) of section 8 in connection with the purchase of such goods;

(*b*) in the case of an offence falling under clause (*c*) of section 10, in the State in which the person purchasing the goods should have registered himself if the offence had not been committed.".

Amendment of section 13.

8. In section 13 of the principal Act, in clause (*f*) of sub-section (*1*), for the word, brackets and figure "sub-section (*3*)", the word, brackets and figure "sub-section (*2*)" shall be, and shall be deemed always to have been, substituted.

Validation of assessments, etc.

9. (*1*) Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any assessment, re-assessment, levy or collection of any tax made or purporting to have been made, any action or thing taken or done in relation to such assessment, re-assessment, levy or collection under the provisions of the principal Act before the 9th day of June, 1969, shall be deemed to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the principal Act as amended by this Act and accordingly—

(*a*) all acts, proceedings or things done or taken by the Government or by any officer of the Government or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(*b*) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax; and

(*c*) no court shall enforce any decree or order directing the refund of any such tax.

(*2*) For the removal of doubts, it is hereby declared that nothing in sub-section (*1*) shall be construed as preventing any person—

(*a*) from questioning in accordance with the provisions of the principal Act, as amended by this Act, any assessment, re-assessment, levy or collection of tax referred to in sub-section (*1*), or

(*b*) from claiming refund of any tax paid by him in excess of the amount due from him by way of tax under the principal Act as amended by this Act.

Exemption from liability to pay tax in certain cases.

10. (*1*) Where any sale of goods in the course of inter-State trade or commerce has been effected during the period between the 10th day of November, 1964 and the 9th day of June, 1969, and the dealer effecting such sale has not collected any tax under the principal Act on the ground that no such tax could have been levied or collected in respect of such sale or any portion of the turnover relating to such sale and no such tax could have been levied or collected if the amendments made in the principal Act by this Act had not been made, then, notwithstanding anything contained in section 9 or the said amendments, the dealer shall not be liable to pay any tax under the principal Act, as amended by this Act, in respect of such sale or such part of the turnover relating to such sale.

(*2*) For the purposes of sub-section (*1*), the burden of proving that no tax was collected under the principal Act in respect of any sale referred to in sub-section (*1*) or in respect of any portion of the turnover relating to such sale shall be on the dealer effecting such sale.

Repeal and saving.

4 of 1969.

11. (*1*) The Central Sales Tax (Amendment) Ordinance, 1969, is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 9th day of June, 1969.

indiacode

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1969

IndiaCode