



The Uttar Pradesh Tax on Entry of Goods Act, 2000
Act 12 of 2000

Keyword(s):

Business, Dealer, Local Area, Value of Goods, Value of Goods

Amendments appended: 13 of 2001, 26 of 2001, 5 of 2003, 15 of 2004, 22 of 2004, 10 of 2005

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Dated Lucknow April 10, 2000

Amended by
13/2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the *Mal Ke Pravesh Par Kar Adhiniyam, 2000* (Uttar Pradesh Adhiniyam Sankhya 12 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 7, 2000.

THE UTTAR PRADESH TAX ON ENTRY OF GOODS ACT, 2000

(U. P. ACT No. 12 of 2000)

[As passed by the Uttar Pradesh Legislature]

5/2003

15/2004

22/2004

10/2005

AN ACT

to provide for the levy and collection of tax on entry of goods into a local area for consumption, use or sale therein and matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-first Year of the Republic of India as follows :—

Short title
extent and
commencement

1. (1) This Act may be called the Uttar Pradesh Tax on Entry of Goods Act, 2000.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on November 1, 1999.

Definitions

2. (1) In this Act,

(a) "business" includes,—

(i) any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture, whether or not such trade, commerce, manufacture, adventure or concern is carried on with a motive to make profit and whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern;

(ii) the execution of any works contract or the transfer of the right to use any goods for any purpose whether or not for a specified period; and

(iii) any transaction in connection with or incidental or ancillary to or resulting from such trade, commerce, manufacture, adventure or concern or works contract or lease;

(b) "dealer" means any person, who in the course of business whether on his own account or on account of a principal or any other person, brings or causes to be brought into a local area any goods or takes delivery or is entitled to take delivery of goods on its entry into a local area and includes,—

(i) a local authority, body corporate, company, any co-operative society or other society, club, firm, Hindu undivided family or other association of person which carries on such business;

(ii) a factor, broker, arhati, commission agent, delcreders agent or any other mercantile agent, by whatever name called and whether of the same description as herein before mentioned or not, who carries on the business of buying, selling, supplying or distributing goods belonging to any principal, whether disclosed or not;

(iii) an auctioneer who carries on the business of selling or auctioning goods belonging to any principal, whether disclosed or not, and whether the offer of the intending purchaser is accepted by him or by the principal or nominee of the principal;

(iv) a Government which, whether in the course of business or otherwise, buys, sells, supplies or distributes goods, directly or otherwise for cash or for deferred payment or for commission remuneration or other valuable consideration;

(v) every person who acts within the State as an agent of a dealer residing outside the State, and buys, sells, supplies or distributes goods in the State or acts on behalf of such dealer as,—

(a) a mercantile agent as defined in the Sale of Goods Act, 1930; or

(b) an agent for handling of goods or documents of title relating to goods; or

(c) an agent for the collection or the payment of the sale price of goods or as a guarantor for such collection or such payment;

(vi) a firm or a company or other body corporate, the principal office or headquarters whereof is outside the State, having a branch or office in the State, in respect of purchases or sales, supplies or distribution of goods through such branch or office;

(vii) every person who carries on the business of transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract;

(viii) every person who carries on business of transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration;

(ix) any person who, in the course of occasional transactions of business nature, whether on his own account or on account of principal or any other person brings or causes to be brought into a local area any goods or takes delivery or is entitled to take delivery of goods on its entry into local area;

(c) "local area" means the territorial area of,—

(i) a Municipal Corporation under the Uttar Pradesh Municipal Corporations Act, 1959;

(ii) a Municipality under the Uttar Pradesh Municipalities Act, 1916;

(iii) a Zila Panchayat or a Kshetra Panchayat under the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961;

(iv) a Gram Panchayat under the United Provinces Panchayat Raj Act, 1947;

(v) a Cantonment under the Cantonment Act, 1976.

(vi) any Industrial Development Area under the Uttar Pradesh Industrial Development Act, 1976.

Subs by 10/2005

“(e) ‘Value of goods’ means the value of any goods as ascertained from original purchase invoice or bill and includes value of packing material, packing and forwarding charges, insurance charges, amounts representing excise duty, countervailing duty, customs duty and other like duties, amount of any fee or tax charged, transport charges, freight charges and any other charges relating to purchase and transportation of such goods into the local area in which goods are being brought or received for consumption, use or sale therein :

Provided that where any goods have been,—

- (i) purchased and the value thereof is not ascertainable on account of non availability or non production of any document; or
- (ii) purchased and the value declared by the dealer or the person incharge is not verifiable on account of non-availability or non-production of any document; or
- (iii) purchased and a document produced in support of purchase price or transport charges and other charges, is not worthy of credence; or
- (iv) acquired or obtained otherwise than by way of purchase,

the ‘value of goods’ shall mean the value or the price at which the goods of the like kind or like quality is sold or is capable of being sold at whole-sale price in the open market in the local area in which goods are being brought or received for consumption, use or sale.

Explanation: For the purpose of ascertaining whole-sale price of any goods under this clause the whole sale price shall include any amount paid or payable by the purchaser as excise duty or any other duty but shall not include any amount charged for anything done to the goods after entry of goods into the local area or any amount of fee or tax including tax under this Act payable in respect of sale of the goods of the like kind or like quality.”

“(f) ‘Value of goods’ shall mean the value or the price at which the goods of the like kind or like quality is sold or is capable of being sold at whole-sale price in the open market in the local area in which goods are being brought or received for consumption, use or sale. Provided that where any goods have been,— (i) purchased and the value thereof is not ascertainable on account of non availability or non production of any document; or (ii) purchased and the value declared by the dealer or the person incharge is not verifiable on account of non-availability or non-production of any document; or (iii) purchased and a document produced in support of purchase price or transport charges and other charges, is not worthy of credence; or (iv) acquired or obtained otherwise than by way of purchase, the ‘value of goods’ shall mean the value or the price at which the goods of the like kind or like quality is sold or is capable of being sold at whole-sale price in the open market in the local area in which goods are being brought or received for consumption, use or sale. *Explanation:* For the purpose of ascertaining whole-sale price of any goods under this clause the whole sale price shall include any amount paid or payable by the purchaser as excise duty or any other duty but shall not include any amount charged for anything done to the goods after entry of goods into the local area or any amount of fee or tax including tax under this Act payable in respect of sale of the goods of the like kind or like quality.”

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), no tax shall be levied on and collected from a dealer who brings or causes to be brought into a local area any goods in respect of which tax has been paid in any other local area under the said sub-sections.

(5) No benefit under sub-section (4) shall be given to a dealer unless he furnishes, to the satisfaction of the assessing authority, such declara-

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tion or certificate obtained from the selling dealer in such form and manner and within such period as may be prescribed.

(6) Every notification made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than fourteen days, extending in its one session or more than one successive sessions and shall unless some later date is appointed take effect from the date of its publication in Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder except that any imposition, assessment, levy or collection of tax shall be subject to the said modifications or annulments.

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4-A. (1) Notwithstanding anything contained in any other provisions of this Act, any person who intends to bring into a local area from any manufacturer within the State, such goods specified in the Schedule as may be notified by the State Government, shall, at the time of taking delivery of the goods from the manufacturer, pay to the manufacturer the tax payable on entry of such goods into the local area and the manufacturer shall receive the tax so paid.

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(2) The manufacturer receiving the tax under sub-section (1) shall submit to the assessing authority a return in respect of the goods supplied, and the tax received, by him under sub-section (1) and deposit the tax so received, in such manner and within such time as may be prescribed.

e d 3 3 3 Application of certain provisions of the Uttar Pradesh Trade Tax Act

(3) Where any manufacturer refuses to receive, or fails to deposit, the tax under this section he shall be liable to pay the tax along with the interest and penalty, if any, payable thereon which shall be recoverable as arrears of land revenue.

(4) Where the assessing authority is satisfied that any goods referred to in sub-section (1) is lost or destroyed after its delivery by the manufacturer and before its entry into the local area, it shall direct that the tax paid in respect of such goods shall be refunded to the person who had paid the tax under sub-section (1) :

Provided that no claim for such refund shall be entertained after the expiry of six months from the date of the loss or destruction of the goods.

(5) The provisions of section 5 shall not apply to a person making payment of the tax under sub-section (1) and such person shall not be assessed, or required to submit a return, under this Act."

Power to remove difficulties

4-B. Where the State Government is satisfied that it is expedient in the public interest so to do, it may, by notification subject to such conditions and restrictions as may be specified in the notification exempt, any goods or class of goods from levy, or class of dealers from the payment of the tax."

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Power to exempt

any order under sub-section (1) shall have so as to be retrospective to any date not earlier than the date of commencement of this Act.

(4) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

8. The State Government may make rules for carrying out the purposes of this Act.

Power to make rules

Repeal and
Savings

9. (1) The Uttar Pradesh Tax on Entry on Goods Ordinance, 2000 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), or under the Uttar Pradesh Tax on Entry of Goods Ordinance, 1999 shall be deemed to have been done or taken under this Ordinance as if the provisions of this Ordinance were in force at all material times.

SCHEDULE

(See section 4)

1. Aluminium ore, metal and scrap and aluminium rolled products and extrusion products.
2. Chemicals of all kinds.
3. Coffee.
4. Crude Oil as defined in section 14 of the Central Sales Tax Act, 1956.
5. Machinery and spare parts of machinery valuing Rupees Ten lacs or more.
6. Motor Vehicles of all kinds including its chassis but excluding tractors.
7. Natural Gas.
8. Nylon yarn, polyester yarn and polyester staple fibre.
9. Refrigerator, air conditioner, oven, washing machine and television.
10. Indian made foreign liquor.
11. Sugar.
12. Textiles of all kinds valuing more than rupees Fifty per-metre.
13. Tobacco in all its form and all products of tobacco.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

Dated Lucknow, April 30, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mal Ke Prवेश Per Kar (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 13 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 2001 along with the Statement of Objects and Reasons thereto.

THE UTTAR PRADESH TAX ON ENTRY OF GOODS]
(AMENDMENT) ACT, 2001

(U. P. ACT NO. 13 OF 2001)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Tax on Entry of Goods (Amendment) Act, 2001.

Short title and commencement

(2) It shall be deemed to have come into force on February 26, 2001.

2. After section 4 of the Uttar Pradesh Tax on Entry of Goods Act, 2000, hereinafter referred to as the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 4-A in U. P. Act no. 12 of 2000

“4-A. (1) Notwithstanding anything contained in any other provisions of this Act, any person who intends to bring into a local area from any manufacturer within the State, such goods specified in the Schedule as may be notified by the State Government, shall, at the time of taking delivery of the goods from the manufacturer, pay to the manufacturer the tax payable on entry of such goods into the local area and the manufacturer shall receive the tax so paid.

(2) The manufacturer receiving the tax under sub-section (1) shall submit to the assessing authority a return in respect of the goods supplied, and the tax received, by him under sub-section (1) and deposit the tax so received, in such manner and within such time as may be prescribed.

(3) Where any manufacturer refuses to receive, or fails to deposit, the tax under this section he shall be liable to pay the tax alongwith the interest and penalty, if any, payable thereon which shall be recoverable as arrears of land revenue.

(4) Where the assessing authority is satisfied that any goods referred to in sub-section (1) is lost or destroyed after its delivery by the manufacturer and before its entry into the local area, it shall direct that the tax paid in respect of such goods shall be refunded to the person who had paid the tax under sub-section(1) :

Provided that no claim for such refund shall be entertained after the expiry of six months from the date of the loss or destruction of the goods.

(5) The provisions of section 5 shall not apply to a person making payment of the tax under sub-section (1) and such person shall not be assessed, or required to submit a return, under this Act."

Special provision with respect to the tax paid to the manufacturer before the commencement of this Act

3. (1) Where any person has paid to the manufacturer before the commencement of this Act the tax payable under the principal Act, the manufacturer shall within one month from such commencement, deposit the tax so paid in the manner prescribed under the principal Act and shall also submit to the assessing authority a return in respect of the tax and the goods for which the tax has been realised by him.

(2) Where any manufacturer fails to deposit the tax in accordance with sub-section (1) he shall be liable to pay the tax alongwith interest and penalty, if any, payable thereon which shall be recoverable as arrears of land revenue.

Repeal and Savings

4. (1) The Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2001 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

U. P. Ordinance no. 6 of 2001

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Tax on Entry of goods Act, 2000 is enacted to provide for the levy and collection of tax on entry of certain goods into a local area for consumption, use or sale therein. With a view to ensuring the collection of tax under the said Act, it was decided to amend the said Act to provide mainly for payment of entry tax, payable on such of the goods specified in the schedule as may be notified by the state Government, to the manufacturer if the delivery of the goods is taken from the manufacturer within the State and such manufacturer shall receive the tax and deposit it in such manner and within such time as may be prescribed.

Since the State Legislature was not in session and immediate legislative action was necessary, the Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2001 (U. P. Ordinance no. 6 of 2001) was promulgated by the Governor on February 26, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

No. 2454(2)/XVII-V-1—1(KA)40-2001

Dated Lucknow, October 6, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mal Ke Pravesh Par Kar (Dwitiya Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 26 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001:—

**THE UTTAR PRADESH TAX ON ENTRY OF GOODS
(SECOND AMENDMENT) ACT, 2001**

(U. P. Act No. 26 of 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

Short title

1. This Act may be called the Uttar Pradesh Tax on Entry of Goods (Second Amendment) Act, 2001.

2. After section 4-A of the Uttar Pradesh Tax on Entry of Goods Act, 2000, the following section shall be *inserted*, namely :—

Insertion of a new section 4-B in U. P. Act no. 12 of 2000

“4-B. Where the State Government is satisfied that it is expedient in the public interest so to do, it may, by notification subject to such conditions and restrictions as may be specified in the notification exempt, any goods or class of goods from levy, or class of dealers from the payment of the tax.”

Power to exempt

By order,

Y. R. TRIPATHI,
Prमुख Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Tax on Entry of Goods Act, 2000 has been enacted to provide for the levy and collection of tax on entry of goods into a local area for consumption, use or sale therein. It has been decided to amend the said Act to empower the State Government to exempt, in public interest, any goods or class of goods from levy, or class of dealers from the payment, of the tax.

The Uttar Pradesh Tax on Entry of Goods (Second Amendment) Bill, 2001 is introduced accordingly.

No. 367 (2)/VII-V-1—1(KA) 4-2003

Dated Lucknow, March 19, 2003

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mal Ke Pravesh Par Kar (Sanshodhan) Adhiniyam, 2003 (Uttar Pradesh Adhiniyam Sankhya 5 of 2003) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 12, 2003.

THE UTTAR PRADESH TAX ON ENTRY OF GOODS (AMENDMENT)
ACT, 2003

(U.P. ACT NO. 5 OF 2003)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000.

IT IS HEREBY enacted in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Tax on Entry of Goods (Amendment) Act, 2003.

Short title and commencement

(2) It shall be deemed to have come into force on February 10, 2003.

2. In section 2 of the Uttar Pradesh Tax a Entry of Goods Act, 2000, hereinafter referred to as the principal Act, in sub-section (1), in clause (c) after sub-clause (v) the following sub-clause shall be inserted and be deemed to have been inserted on March 27, 2001, namely:—

Amendment of section 2 of U.P. Act. no. 12 of 2000

“(vi) any Industrial Development Area under the Uttar Pradesh Industrial Area Development Act, 1976.”

3. (1) The Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2003 is hereby repealed.

Repeal and Savings

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

U.P.
Ordinance
no. 2 of
2003

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 4 of the Uttar Pradesh Tax on Entry of Goods Act, 2000 (U.P. Act no. 12 of 2000) provides that there shall be levied and collected a tax on entry of any goods specified in the Schedule into a local area from any place outside that local area including a place outside the Uttar Pradesh for consumption, use or sale therein, at such rates not exceeding five per cent of the value of the goods as may be specified by the State Government by notification. In clause (c) of sub-section (1) of section 2 of the said Act the expression "local area" has been defined. On account of the exclusion of industrial development area from Panchayat area by amending the Uttar Pradesh Industrial Area Development Act, 1976 by the Uttar Pradesh Industrial Area Development (Amendment) Act, 2001 (U.P. Act no. 4 of 2001) the industrial development area has been excluded from the ambit of the definition of the "local area". It was, therefore, decided to amend section 2 of the said Act of 2000 to provide for the inclusion of any industrial development area declared as such under the said Act of 1976 in the definition of the "local area".

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2003 (U.P. Ordinance no. 2 of 2003) was promulgated by the Governor on February 10, 2003.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
R.B. RAO,
Sachiv.

पी०एस०यू०पी०-ए० पी० 1084 राजपत्र (हि०)-2003-(2531)-597-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए० पी० 265 सा० विधायी-19.3.2003-(2535)-850-(कम्प्यूटर/आफसेट)।

THE UTTAR PRADESH TAX ON ENTRY OF GOODS (AMENDMENT)
ACT, 2004

(U.P. ACT NO. 15 OF 2004)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Tax on Entry of Goods (Amendment) Act, 2004.

Short title and commencement

(2) It shall be deemed to have come into force on June 11, 2004.

2. In section 4 of the Uttar Pradesh Tax on Entry of Goods Act, 2000, hereinafter referred to as the principal Act, in sub-section (2), the following proviso shall be inserted in the end before the explanation, namely:—

Amendment of section 4 of U.P. Act no. 12 of 2000

“Provided that the State Government, may by notification, permit any Power Project Industrial Unit engaged in generation, transmission and distribution, having aggregate capital investment of Rupees One thousand crore or more to own the liability of payment of tax of other dealers on the entry of such goods into a local area from any place outside that local area as are used and consumed by the said unit subject to such conditions as may be specified in the notification.”

3. (1) The Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2004 is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

U.P.
Ordinance
no. 8 of
2003

STATEMENT OF OBJECTS AND REASONS

With a view to implementing the State Energy Policy-2003 approved by the State Government it was decided to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000 to provide for empowering the State Government to permit a Power Project Industrial Unit engaged in generation, transmission and distribution having aggregate capital investment of Rupees One thousand crore or more to own the liability of payment of tax of any dealer on the entry of such goods into a local area from any place outside that local area as are used or consumed by such unit.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Tax on Entry of Goods (Amendment) Ordinance, 2004 (U.P. Ordinance no. 8 of 2004) was promulgated by the Governor on June 11, 2004.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
D.V. SHARMA,
Pramukh Sachiv.

No. 1226(2)/VII-V-1-1 (Ka) 29-2004

Dated Lucknow, August 13, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mal Ke Pravesh Par Kar (Dwitiya Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 22 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 12, 2004.

THE UTTAR PRADESH TAX ON ENTRY OF GOODS (SECOND AMENDMENT)
ACT, 2004

(U.P. ACT NO. 22 OF 2004)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows:-

Short title

1. This Act may be called the Uttar Pradesh Tax on Entry of Goods (Second Amendment) Act, 2004.

2. In section 4 of the Uttar Pradesh Tax on Entry of Goods Act, 2000, *after* sub-section (2), the following sub-section shall be *inserted*, namely:—

Amendment of
section 4 of U. P.
Act no. 12 of 2000

“(2-A) The State Government may, by notification, remit the amount of tax to the extent necessary to ensure that effective rates of tax on entry of goods into a local area from any place outside that local area, for consumption or use in a Power Project Industrial Unit, do not exceed the respective rates applicable as on the date of commencement of State Energy Policy subject to the conditions as may be notified in such notifications.”

STATEMENT OF OBJECTS AND REASONS

With a view to implementing the State Energy Policy, 2003 approved by the State Government it has been decided to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000 (U. P. Act no. 12 of 2000) to provide for empowering the State Government to remit the amount of tax to the extent necessary to ensure that the effective rates of tax on entry of goods into a local area from any place outside that local area for consumption or use in a Power Project Industrial Unit shall not exceed the respective rates applicable on the date of commencement of the said Policy.

The Uttar Pradesh Tax on Entry of Goods (Second Amendment) Bill, 2004 is introduced accordingly.

By order,
D. V. SHARMA,
Pramukh Sachiv.

Dated Lucknow March 24, 2005.

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mal Ke Pravesh Par Kar (Sanshodhan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 10 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 23, 2005 :

**THE UTTAR PRADESH TAX ON ENTRY OF GOODS
(AMENDMENT) Act, 2005**

(U.P. Act no. 10 of 2005)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Tax on Entry of Goods (Amendment) Act, 2005.

Short title

2. In section 2 of the Uttar Pradesh Tax on Entry of Goods Act, 2000, hereinafter referred to as the principal Act, in sub-section (1),—

Amendment of
section 2 of U.P.
Act no. 12 of
2000

(a) in clause (c), after sub-clause (vi) the following sub-clause shall be inserted, namely:—

“(vii) any other local authority by whatsoever name called under an Act of the Parliament or the State Legislature;”;

(b) for the existing clause (e) the following clause shall be substituted, namely:—

“(e) ‘Value of goods’ means the value of any goods as ascertained from original purchase invoice or bill and includes value of packing material, packing and forwarding charges, insurance charges, amounts representing excise duty, countervailing duty, customs duty and other like duties, amount of any fee or tax charged, transport charges, freight charges and any other charges relating to purchase and transportation of such goods into the local area in which goods are being brought or received for consumption, use or sale therein :

Provided that where any goods have been,—

(i) purchased and the value thereof is not ascertainable on account of non availability or non production of any document; or

(ii) purchased and the value declared by the dealer or the person incharge is not verifiable on account of non-availability or non-production of any document; or

(iii) purchased and a document produced in support of purchase price or transport charges and other charges, is not worthy of credence; or

(iv) acquired or obtained otherwise than by way of purchase,

the 'value of goods' shall mean the value or the price at which the goods of the like kind or like quality is sold or is capable of being sold at whole-sale price in the open market in the local area in which goods are being brought or received for consumption, use or sale.

Explanation: For the purpose of ascertaining whole-sale price of any goods under this clause the whole sale price shall include any amount paid or payable by the purchaser as excise duty or any other duty but shall not include any amount charged for anything done to the goods after entry of goods into the local area or any amount of fee or tax including tax under this Act payable in respect of sale of the goods of the like kind or like quality."

Amendment of section 4.

3. In section 4 of the principal Act, the following explanation shall be inserted at the end namely:—

*Explanation-*For the removal of doubt it is hereby clarified that in relation to a local area or place the expression 'outside Uttar Pradesh' shall mean a place situate outside the State of Uttar Pradesh whether it is within the territory of India or outside thereof."

STATEMENT OF OBJECTS AND REASONS

It has been decided to amend the Uttar Pradesh Tax on Entry of Goods Act, 2000 to include the territorial area of the other local authorities created under the Acts of the Parliament or the State Legislature in the definition of local area to avoid dispute in the levy and collection of tax in future and also to clarify the "Value of goods" and the expression "outside Uttar Pradesh" for the easy determination of the amount of tax.

The Uttar Pradesh Tax on Entry of Goods (Amendment) Bill 2005 is introduced accordingly.

By order.

D.N. SHARMA,

Secretary