



The Pondicherry General Sales Tax Act, 1967

Act 6 of 1967

Keyword(s):

Appellate Assistant Commissioner, Appellate Tribunal, Assistant Commercial Tax Officer, Business, Casual Trader, Declared Goods, Goods, Place of Business, Registered Dealer, Sale, Taxable Turnover, Total Turnover, Turnover, Union Territory

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THE PONDICHERY GENERAL SALES TAX ACT, 1967

(No. 6 of 1967)

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**THE PONDICHERRY GENERAL SALES TAX
ACT, 1967.**

(No. 6 of 1967)

2nd November, 1967.

AN ACT

to levy general tax on sale or purchase of goods in the Union territory of Pondicherry and to validate the levy and collection of such tax under certain Act of Pondicherry.

BE it enacted by the Legislative Assembly of the Union territory of Pondicherry in the Eighteenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1.(1) This Act may be called the Pondicherry General Sales Tax Act, 1967.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall be deemed to have come into force on the 1st day of April, 1966.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Appellate Assistant Commissioner" means any person appointed to be an ¹ [Appellate Assistant Commissioner of Commercial Taxes] under section 31 ;

(b) "Appellate Tribunal" means the Tribunal appointed under section 33 ;

(c) "assessing authority" means any person authorised by the Government or by any authority empowered by them, to make any assessment under this Act ;

(d) "Assistant Commercial Tax Officer" means any person appointed by the Deputy Commissioner by name or by virtue of his office, to exercise the powers of an Assistant Commercial Tax Officer ;

² (e) ¹ ["Assistant Commissioner" means any person appointed to be an "Assistant Commissioner of Commercial Taxes" under section 31] ;

² (f) "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 gain or profit and whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern ; and

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1. Substituted by Act 1 of 1971, section 2, w. e. f. 16—2—1971.
 2. The original clauses (e) and (f) were respectively re-lettered as clauses (f) and (g) and the original clause (g) re-lettered as clause (e) by Act 13 of 1971, section 2, with effect from 23—7—1971.

(ii) any transaction in connection with, or incidental or ancillary to, such trade, commerce, manufacture, adventure or concern ;

¹(g) "casual trader" means a person who has, whether as principal, agent, or in any other capacity, occasional transactions of a business nature involving the buying, selling, supplying or distributing of goods in the Union territory, whether for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, and who does not reside or has no fixed place of business within the Union territory ;

(h) "dealer" means any person who carries on the business of buying, selling, supplying or distributing goods, directly or otherwise, whether for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, and includes—

(i) a local authority, company ² [Hindu undivided family, firm or other association of persons], which carries on such business ;

(ii) a casual trader ;

(iii) a commission agent, a broker or a del credere agent, or an auctioneer or any other mercantile agent, by whatever name called, who carries on business of buying, selling, supplying or distributing goods on behalf of any principal ;

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1. The original clauses (e) and (f) were respectively re-lettered as clauses (f) and (g) and the original clause (g) re-lettered as clause (e) by Act 13 of 1971, section 2, with effect from 23—7—1971.
 2. Substituted by Act 22 of 1970, section 2, w.e.f. 6—8—1970.

(iv) every local branch of a firm or company situated outside the Union territory.

Explanation (1).—A society (including a co-operative society), club or firm or an association which, whether or not in the course of business, buys or sells, goods from or to its members for cash or for deferred payment, or for commission, remuneration or other valuable consideration, shall be deemed to be a dealer for the purposes of this Act.

Explanation (2).—The Central Government or any State Government which, whether or not in the course of business buy, sell, supply or distribute goods, directly or otherwise, for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, shall be deemed to be a dealer for the purposes of this Act.

(i) "declared goods" means goods declared by section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), to be of special importance in inter-State trade or commerce ;

(j) "Deputy Commissioner" means any person appointed to be a ¹ [Deputy Commissioner of Commercial Taxes] under section 31 ;

(k) "goods" means all kinds of movable property (other than newspapers, auctionable claims, stocks and shares and securities) and includes all materials, commodities and articles (including those to be used in the fitting out, improvement or repair of movable property) ; and all growing crops, grass, or things attached to, or forming part of, the land which are agreed to be severed before sale or under the contract of sale ;

1. Substituted by Act 1 of 1971, section 2, w.e.f. 16—2—1971.

(l) "Government" means the Administration of the Union territory appointed by the President under article 239 of the Constitution ;

(m) "place of business" includes a warehouse, godown or other place where a dealer stores his goods or a place where a dealer keeps his books of account ;

(n) "prescribed" means prescribed by rules made under this Act ;

(o) "registered dealer" means a dealer registered under this Act ;

(p) "sale" with all its grammatical variations and cognate expressions means every transfer of the property in goods by one person to another in the course of business for cash or for deferred payment or other valuable consideration, but does not include mortgage, hypothecations, charge or pledge ;

Explanation (1).—Every transfer of property in goods by the Central Government or any State Government for cash or for deferred payment or other valuable consideration, whether or not in the course of business, shall be deemed to be a sale for the purposes of this Act.

Explanation (2).—In the case of transfer of goods under a hire-purchase agreement or any other agreement providing for instalment system of payments, the sale of the goods shall be deemed to have taken place at the time when the property therein passes under the agreement from one party to the other party.

Explanation (3).—(a) The sale or purchase of goods shall be deemed for the purposes of this Act, to have taken place in the Union territory, wherever the contract of sale or purchase might have been made, if the goods are within the Union territory—

(i) in the case of specific or ascertained goods, at the time the contract of sale or purchase is made; and

(ii) in the case of unascertained or future goods at the time of their appropriation to the contract or sale or purchase by the seller or by the purchaser, whether the assent of the other party is prior or subsequent to such appropriation.

(b) Where there is a single contract of sale or purchase of goods situated at more places than one, the provisions of clause (a) shall apply as if there were separate contracts in respect of the goods at each of such places.

Explanation (4).—Notwithstanding anything to the contrary contained in this Act, two independent sales or purchases shall, for the purposes of this Act, be deemed to have taken place—

(a) when the goods are transferred from a principal to his selling agent and from the selling agent to the purchaser, or

(b) when the goods are transferred from the seller to a buying agent and from the buying agent to his principal, if the agent is found in either of the cases as aforesaid—

(i) to have sold the goods at one rate and to have passed on the sale-proceeds to his principal at another rate, or

(ii) to have purchased the goods at one rate and to have passed them on to his principal at another rate, or

(iii) not to have accounted to his principal for the entire collections or deductions made by him in the sales or purchases effected by him on behalf of his principal ;

(q) "taxable turnover" means the turnover on which a dealer shall be liable to pay tax as determined after making such deduction from his total turnover and in such manner as may be prescribed ;

(r) "total turnover" means the aggregate turnover in all goods of a dealer at all places of business in the Union territory, whether or not the whole or any portion of such turnover is liable to tax ;

(s) "turnover" means the aggregate amount for which goods are bought or sold, or supplied or distributed by a dealer, either directly or through another, on his own account or an account of others whether for cash or for deferred payment or other valuable consideration, provided that the proceeds of the sale by a person of agricultural or horticultural produce, other than tea, grown within the Union territory by himself or any land in which he has an interest whether as owner, usufructuary mortgagee, tenant or otherwise, shall be excluded from his turnover ;

Explanation (1).—"Agricultural or horticultural produce" shall not include such produce as has been subjected to any physical, chemical or other process for being made fit for consumption, save mere cleaning, grading, sorting or drying.

Explanation (2).—Subject to such conditions and restrictions, if any, as may be prescribed in this behalf—

(i) the amount for which goods are sold shall include any sums charged for anything done by the dealer in respect of the goods sold at the time of, or before the delivery thereof ;

(ii) any cash or other discount on the price allowed, in respect of any sale and any amount refunded in respect of articles returned by customers shall not be included in the turnover ; and

(iii) where for accommodating a particular customer, a dealer obtains goods from another dealer and immediately disposes of the same to the said customer, the sale in respect of such goods shall be included in the turnover of the latter dealer but not in that of the former ;

(t) "Union territory" means the Union territory of Pondicherry ;

(u) "year" means the financial year.

Levy of taxes on sale or purchases of goods.

3. (1) Every dealer (other than a casual trader or agent of a non-resident dealer) whose total turnover for a year is not less

than ¹ [thirty] thousand rupees and every casual trader or agent of a non-resident dealer, whatever be his turnover for the year, shall pay a tax for each year at the rate of ² [three] per cent of his taxable turnover.

(2) Notwithstanding anything contained in sub-section (1), in the case of goods mentioned in the First Schedule, the tax under this Act shall be payable by a dealer, at the rate and only at the point specified therein on the turnover in each year relating to such goods whatever be the quantum of turnover in that year.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the tax payable by a dealer in respect of any sale of goods mentioned in the First Schedule by such dealer to another for use by the latter as component part of any other goods mentioned in that Schedule which he intends to manufacture inside the Union territory for sale shall be at the rate of only one and one half per cent on the turnover relating to such sale :

Provided that the provisions of this sub-section shall not apply to any sale unless the dealer selling the goods furnishes to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority.

Explanation.—For the purposes of this sub-section, "component part" means an article which forms an identifiable constituent of the finished product and which along with others goes to make up the finished product.

1. Substituted by Act 6 of 1977, section 2, w.e.f. 6-8-1977.

2. Substituted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.

Tax in respect of declared goods.

4. Notwithstanding anything contained in section 3, the tax under this Act shall be payable by a dealer on the sale or purchase inside the Union territory of declared goods at the rate and only at the point specified against each in the Second Schedule on the turnover in such goods in each year, whatever be the quantum of turnover in that year.

Refund of tax paid in certain cases.

5. (1) Where a tax has been levied and collected under section 4 in respect of the sale or purchase of declared goods and such goods are sold in the course of inter-State trade or commerce, the tax so levied and collected shall be refunded to such person in such manner and subject to such conditions as may be prescribed.

(2) Where a tax at the point of last purchase in the Union territory has been levied and collected under this Act in respect of goods liable to tax at such point and where the said purchase ceases to be the last purchase in the Union territory by reason of a subsequent purchase of such goods by another dealer in the Union territory, the tax so levied and collected shall be refunded to the dealer concerned in such a manner and subject to such conditions as may be prescribed.

¹ [5A. Special provision in respect of certain declared goods.

Each of the pulses referred to in serial number 8 of the Second Schedule, whether whole or separated, and whether

1. Inserted by Act 9 of 1978, section 2, w.e.f. 1-4-1978.

with or without husk, shall be treated as a single commodity for the purposes of levy of tax under this Act.]

Tax on goods purchased by dealers registered under Central Sales Tax Act (Act 74 of 1956).

6. Notwithstanding anything contained in sub-section (1) of section 3, every dealer registered under sub-section (3) of section 7 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), shall, whatever be the quantum of his turnover, pay tax for each year in respect of the sale of goods with reference to the purchase of which he has furnished a declaration under sub-section (4) of section 8 of the aforesaid Central Act, at the rate of ¹ [three] per cent of his taxable turnover in the case of goods liable to tax under sub-section (1) of section 3.

Tax under this Act to be in addition to tax under Central Act 74 of 1956 or any other law.

7. The provisions of this Act relating to taxation of successive sales or purchases inside the Union territory only at a single point or at one or more points shall apply only to sales or purchases inside the Union territory (other than sales or purchases in the course of inter-State trade or commerce) and the tax under this Act shall be levied in addition to any tax levied under the Central Sales Tax Act, 1956 or any other law for the time being in force.

1. Substituted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.

Payment of tax at compounded rates.

8.1 [(1) Notwithstanding anything contained in sub-section (1) of section 3, every dealer whose total turnover is not less than thirty thousand rupees but not more than one lakh of rupees, may, at his option instead of paying the tax in accordance with the provisions of that sub-section, pay tax at the following rates, namely:—

	<i>Rate of tax</i>
(i) Where the total turnover is not less than thirty thousand rupees, but is less than thirty-five thousand rupees.	Three hundred and sixty rupees per annum.
(ii) Where the total turnover is not less than thirty-five thousand rupees, but is less than forty thousand rupees.	Four hundred and twenty rupees per annum.
(iii) Where the total turnover is not less than forty thousand rupees, but is less than forty-five thousand rupees.	Four hundred and eighty rupees per annum.
(iv) Where the total turnover is not less than forty-five thousand rupees, but is less than fifty thousand rupees.	Five hundred and forty rupees per annum.
(v) Where the total turnover is not less than fifty thousand rupees, but is less than fifty-five thousand rupees.	Seven hundred and twenty rupees per annum.
(vi) Where the total turnover is not less than fifty-five thousand rupees, but is less than sixty thousand rupees.	Nine hundred rupees per annum.

1. Substituted by Act 6 of 1977, section 3, w.e.f. 6-8-1977.

Rate of tax

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|--|---|
| (vii) Where the total turnover is not less than sixty thousand rupees, but is less than sixty-five thousand rupees. | One thousand and eighty rupees per annum. |
| (viii) Where the total turnover is not less than sixty-five thousand rupees, but is less than seventy thousand rupees. | One thousand three hundred and twenty rupees per annum. |
| (ix) Where the total turnover is not less than seventy thousand rupees, but is less than seventy-five thousand rupees. | One thousand five hundred and sixty rupees per annum. |
| (x) Where the total turnover is not less than seventy-five thousand rupees, but is less than eighty thousand rupees. | One thousand and eight hundred rupees per annum. |
| (xi) Where the total turnover is not less than eighty thousand rupees, but is less than eighty-five thousand rupees. | Two thousand and forty rupees per annum. |
| (xii) Where the total turnover is not less than eighty-five thousand rupees, but is less than ninety thousand rupees. | Two thousand two hundred and eighty rupees per annum. |
| (xiii) Where the total turnover is not less than ninety thousand rupees, but is less than ninety-five thousand rupees. | Two thousand five hundred and twenty rupees per annum. |
| (xiv) Where the total turnover is not less than ninety-five thousand rupees, but is not more than one lakh of rupees. | Two thousand seven hundred and sixty rupees per annum.] |

(2) Any dealer who estimates his total turnover for a year to be not more than ¹ [one-lakh of rupees] may apply to the assessing authority to be permitted to pay the tax under this section and on being so permitted he shall pay the tax due in advance during the year in monthly or prescribed instalments and for that purpose shall submit such returns in such manner as may be prescribed.

(3) The tax paid under sub-section (2) shall be subject to such adjustment as may be prescribed on the completion of final assessment in the manner prescribed.

8A. [Omitted]²

Exemption from tax.

9. (1) Subject to such restrictions and conditions as may be prescribed, a dealer who deals in the goods specified in the Third Schedule shall not be liable to pay any tax under this Act in respect of such goods.

(2) Notwithstanding anything contained in section 3, a dealer who deals in the goods mentioned at Serial No. 47 in the First Schedule shall not be liable to pay any tax under this Act in respect of any dealings in such goods during any period before the 9th day of November, 1966.

1. Substituted by Act 6 of 1977, section 3, w.e.f. 6-8-1977.

2. For the purpose of Bangladesh Refugees Relief, surcharge was levied from 1-1-1972 to 31-3-1973 by the Union territories Taxation Laws (Amendment) Act, 1971 (73 of 1971) and the Union territories Taxation Laws (Amendment) Act, 1973.

The section which was in force from 1-1-1972 to 31-3-1973 ran as below:—

Levy of surcharge
on sales of goods

8A. The amount of tax payable by a dealer under this Act shall be increased by a surcharge for purposes of the Union calculated at the rate of two paise per rupee of that amount.

Stage of levy of taxes in respect of imported and exported goods

10. Where in the case of any goods tax is leviable at one point in a series of sales or purchases, such series shall—

(a) in the case of goods imported into the Union territory either from outside the territory of India or from any other State in India, be deemed to commence at the stage of the sale or purchase effected immediately after the import of such goods;

(b) in the case of goods exported out of the Union territory to any place outside the territory of India or to any other State in India, be deemed to conclude at the stage of sale or purchase effected immediately before the export of such goods:

¹ [Provided that in the case of goods exported out of the Union territory to any place outside the territory of India, where the sale or purchase effected immediately before the export of such goods is, under sub-section (3) of section 5 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), a sale or purchase in the course of export, the series of sales or purchases of such goods shall be deemed to conclude at the stage of the sale or purchase immediately preceding such sale or purchase in the course of export.]

Burden of proof.

11. The burden of proving that any dealer or any of his transactions is not liable to tax under this Act shall lie on such dealer.

1. Inserted by Act 9 of 1978, section 3, w. e. f. 1—4—1976.

Assessment of tax.

12. The tax under this Act, shall be assessed, levied and collected in such manner as may be prescribed.

Procedure to be followed by the assessing authority

13. (1) The assessment of dealer shall be on the basis of the prescribed return relating to his turnover submitted in the prescribed manner within the prescribed period.

(2) If no return is submitted by the dealer under sub-section (1) within the prescribed period, or if the return, submitted by him appears to the assessing authority to be incomplete or incorrect, the assessing authority shall, after making such enquiry as it may consider necessary assess the dealer to the best of its judgment :

Provided that before taking action under this sub-section the dealer shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(3) When making any assessment under sub-section (2), the assessing authority may also direct the dealer to pay in addition to the tax assessed, a penalty not exceeding one and a half times the amount of tax due on the turnover that was not disclosed by the dealer in his return or, in the case of failure to submit a return, one and a half times the tax assessed, as the case may be.

Provisional assessment.

14. (1) The tax for each year payable under any of the provisions of this Act may be assessed, levied and collected in advance during the year in monthly or other prescribed instalments, and for that purpose a dealer may be required to

furnish within the prescribed period, such returns as may be prescribed. The assessing authority may determine the amount of tax payable in respect of any period and on such assessment the dealer shall pay the sum demanded within such time as may be fixed by such authority.

(2) If no return is submitted by the dealer under sub-section (1) within the prescribed period, or if the return submitted by him appears to the assessing authority to be incomplete or incorrect, the assessing authority may, after making such enquiry as it may consider necessary, assess the dealer to the best of its judgment :

Provided that, before taking action under this sub-section on the ground that the return submitted by the dealer is incomplete or incorrect, the dealer shall be given a reasonable opportunity of proving the correctness or completeness of the return submitted by him.

(3) If the assessing authority has reason to believe that the provisional assessment made by it for any period was based on too low a turnover or was made at too low a rate or was based on too high a turnover or was made at too high a rate it may enhance or reduce, as the case may be, such provisional assessment :

Provided that before making an enhancement of the provisional assessment as aforesaid, the assessing authority shall except where such enhancement is based on the turnover finally determined for the preceding year, give a reasonable opportunity to the dealer to show cause against such enhancement and make such enquiry as it may consider necessary.

(4) The assessment, levy and collection of tax under this section shall be subject to such adjustment as may be prescribed on the completion of final assessment in the manner prescribed.

(5) Where a dealer has refunded the price of articles returned by customers together with the tax collected from such customers in respect of the sale of such articles and where the amount representing the price refunded by the dealer is included in his turnover, the dealer shall be entitled to claim deduction of the tax levied in respect of such sale, within a period of six months from the date of sale by adjustment in the assessment and the final assessment shall be completed accordingly but such dealer shall not be entitled to claim any adjustment or refund of the tax in respect of the sale of such articles after the expiry of the said period of six months.

**Dealer to continue payment for the year of tax as assessed
in the preceding year under section 14.**

15. (1) A dealer who has been provisionally assessed to tax during the preceding year under section 14 shall, unless he is not liable to pay tax for the year, continue to pay for the year the tax so assessed in the preceding year in the prescribed manner until he is again provisionally assessed to tax for the year under section 14.

(2) Any tax paid in accordance with the provisions of sub-section (1) shall be adjusted in the prescribed manner against the tax found due on the completion of provisional assessment for the year under section 14.

Fresh assessment in certain cases.

16. (1) Any dealer assessed under sub-section (2) of section 13 may, within a period of thirty days from the date of service of the assessment order, apply to the assessing authority for re-assessment, along with the correct and complete return as prescribed. On such application, the assessing authority shall, if it is satisfied that the failure to submit the return in time or the submission of the incorrect or incomplete return was due to reason beyond the control of the applicant, cancel the assessment made and make a fresh assessment on the basis of the return submitted :

Provided that no application shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of tax admitted by the applicant to be due or any such instalment thereof as might have become payable, as the case may be.

(2) If the amount of tax on the basis of cancelled assessment has already been collected and if the amount of tax arrived at as a result of the fresh assessment is different from it, any amount overpaid by the dealer shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(3) Penalty, if any, imposed and collected under sub-section (3) of section 13 shall be refunded to the dealer without interest on cancellation of the order of original assessment.

Assessment of legal representative.

17. Where a dealer dies, his executor, administrator, or other legal representative shall be deemed to be the dealer for the purposes of this Act and the provisions of this Act shall apply to him in respect of the business of the said deceased dealer, provided that, in respect of any tax or fee assessed as payable by any such dealer or any tax or fee which would have been payable by him under this Act if he had not died the executor, administrator or other legal representative shall be liable only to the extent of the assets of the deceased in his hands.

Assessment of escaped turnover.

18. (1) Where, for any reason, the whole or any part of turnover of business of a dealer has escaped assessment to tax, the assessing authority may, subject to the provisions of subsection (3), at any time within a period of five years from the expiry of the year to which the tax relates, determine to the best of its judgment the turnover which has escaped assessment and assess the tax payable on such turnover after making such enquiry as it may consider necessary and after giving the dealer a reasonable opportunity to show cause against such assessment.

(2) Where, for any reason, the whole or any part of the turnover of business of a dealer has been assessed at a rate lower than the rate at which it is assessable, the assessing authority may, at any time within a period of five years from the expiry of the year to which the tax relates, re-assess the tax due after making such enquiry as it may consider necessary and after giving the dealer a reasonable opportunity to show cause against such re-assessment.

(3) In making an assessment under sub-section (1), the assessing authority, may, if it is satisfied that the escape from assessment is due to wilful non-disclosure of assessable turnover by the dealer, direct the dealer to pay, in addition to the tax assessed under sub-section (1), a penalty not exceeding one and a half times the tax so assessed :

Provided that no penalty shall be imposed under this section unless the dealer affected has had a reasonable opportunity of showing cause against such imposition.

(4) The powers under sub-section (1) or sub-section (2) may be exercised by the assessing authority even though the original order of assessment, if any, passed in the matter has been the subject matter of an appeal or revision.

(5) In computing the period of limitation for assessment or re-assessment under this section, the time during which the proceedings for assessment or re-assessment remained stayed under the orders of a civil court or other authority shall be excluded.

Power of Government to notify exemptions and reductions of tax.

19 (1) The Government may, if it is satisfied that it is necessary so to do in the public interest, by notification, make an exemption or reduction in rate, in respect of any tax payable under this Act—

(i) on the sale or purchase of any specified goods or class of goods at all points or at a specified point or points in the series of sales by, successive dealers,

(ii) in regard to the whole or any part of turnover of any specified class of persons, or

(iii) in respect of any specified class of sales or purchases.

(2) Any exemption from tax, or reduction in the rate of tax notified under sub-section (1)—

(a) may extend to the whole of the Union territory or to any specified area or areas therein ;

(b) may be subject to such restrictions and conditions as may be specified in the notification.

(3) The Government may, by notification, cancel or vary any notification issued under sub-section (1).

Liability to tax of persons not observing restrictions and conditions notified under section 19.

20. If any restriction or condition notified under section 19 is contravened or is not observed by a dealer, the sales or purchases of such dealer may, with effect from the commencement of the year in which such contravention or non-observance took place, be assessed to tax or taxes under the appropriate provisions of this Act as if the provisions of the notification under section 19 did not apply to such sales or purchases.

Liability of firms

21. (1) Where any firm is liable to pay any tax or other amount under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment.

(2) Where a partner of a firm liable to pay any tax or any amount under this Act retires, he shall, notwithstanding any contract to the contrary, be liable to pay the tax or other amount remaining unpaid at the time of his retirement and any tax or other amount due up to the date of retirement, though unassessed.

¹ [21-A. Where a dealer is a Hindu undivided family, firm, or other association of persons, and such family, firm or association is partitioned, or dissolved, as the case may be,—

(a) the tax payable under this Act by such family, firm, or association of persons for the period up to the date of such partition or dissolution shall be assessed as if no such partition or dissolution had taken place and all the provisions of this Act apply accordingly; and

(b) every person who was at the time of such partition, or dissolution a member or partner of the Hindu undivided family, firm or association of persons and the legal representative of any such person who is deceased shall, notwithstanding such partition or dissolution, be jointly and severally liable for the payment of the tax, penalty or other amount payable under this Act, by such family, firm or association of persons, whether assessment is made prior to or after such partition or dissolution].

Registration of dealers.

22. (1) Every dealer whose total turnover in any year is not less than²[fifteen thousand rupees] shall, and any other dealer may, get himself registered under this Act.

1. Inserted by Act 22 of 1970, section 3, w.e.f. 6—8—1970.

2. Substituted by Act 6 of 1977, section 4, w.e.f. 6—8—1977.

(2) Notwithstanding anything contained in sub-section (1)—

(i) every dealer carrying on business in all or any of the goods mentioned in the First and Second Schedules ;

(ii) every casual trader ;

(iii) every dealer registered under sub-section (3) of section 7 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) ;

(iv) every dealer residing outside the Union territory, but carrying on business in the Union territory ;

(v) every agent of a non-resident dealer ; and

(vi) every commission agent, broker, delcredere agent, auctioneer, or any other mercantile agent, by whatever name called, who carries on the business of buying, selling, supplying or distributing goods on behalf of any principal ;

shall get himself registered under this Act irrespective of the quantum of his total turnover in such goods.

(3) The Government may, from time to time, by notification—

(i) exempt from the operation of sub-section (1) or sub-section (2) any specified class of dealers or dealers in any specified goods or class of goods ;

(ii) enhance the total turnover limit specified in sub-section (1) for the registration of any specified class of dealers or dealers in any specified goods or class of goods.

(4) Any exemption under clause (1), and any enhancement of the total turnover limit under clause (ii), of sub-section (3)—

(i) may extend to the whole of the Union territory or to any specified area or areas therein ;

(ii) may be subject to such restrictions and conditions as may be specified in the notification.

(5) The Government may, by notification, cancel or vary any notification issued under sub-section (3).

(6) Nothing contained in this section shall apply to any State Government or the Central Government.

Procedure for registration.

23. (1) An application for registration shall be made to such authority, in such manner and within such period as may be prescribed and shall be accompanied by a fee of ten rupees.

(2) If the prescribed authority is satisfied that the application is in order, it shall register the applicant and issue to him a certificate in the prescribed form specifying all his places of business.

(3) A certificate issued under sub-section (2) shall be valid for a year and shall be renewed from year to year on payment of the fee specified in sub-section (1).

(4) A registered dealer may apply to the prescribed authority for a copy or copies of the registration certificate along with a fee of five rupees for each copy, and if the prescribed authority is satisfied that the application is in order, it shall issue to the registered dealer a copy or copies of the registration certificate.

(5) If the prescribed authority is satisfied that a registration certificate or a copy thereof is lost or accidentally destroyed, it shall, on an application by the registered dealer accompanied by a fee of one rupee, issue to him a duplicate of the registration certificate.

(6) A registered dealer shall exhibit at each place of his business the registration certificate, or a duplicate or a copy thereof.

(7) A registered dealer shall be entitled to have his registration cancelled, if he is able to prove to the satisfaction of the prescribed authority that his turnover in each of the two consecutive years immediately preceding the application was less than 1 [fifteen thousand rupees.]

(8) The prescribed authority shall have power for good and sufficient reasons—

(i) to cancel, modify or amend any registration certificate issued by him; and

(ii) to demand from any dealer who has been registered or has applied for registration under this sub-section, security for proper payment of tax by him for an amount not exceeding one-half of the tax payable on the turnover of the dealer for the year as estimated by the prescribed authority.

(9) No application for registration or for a copy or duplicate of the certificate and no renewal under this section shall be refused and no order under sub-section (8) shall be made, unless the dealer concerned has been given an opportunity of being heard.

1. Substituted by Act 6 of 1977, section 5, w.e.f. 6-8-1977.

(10) A dealer shall, until his registration is cancelled, be liable to pay the fees specified in sub-section (1) for every year subsequent to that in which he applied for registration :

Provided that when a dealer has ceased to do business in any year, and gives notice of the same to the prescribed authority, he shall not be liable to pay any registration fee from the commencement of the following year unless he resumes business.

Issue of permit.

24. (1) Every registered dealer who transacts business at places other than his registered place or places of business or employs a travelling salesman or representative to transact business as aforesaid shall obtain a permit issued under this Act authorising himself or, as the case may be, the travelling salesman or representative so to do.

(2) The entire turnover of business carried on under the permit shall be included and accounted for by the registered dealer in his account and returns and shall be dealt with as if it were the turnover of business done by the registered dealer himself at the registered place of business.

(3) Every permit holder shall carry the permit on his person and shall produce it on demand by any officer empowered by the Government in this behalf. He shall maintain and produce on demand to any such officer a true and correct account of all the transactions carried on under the permit and also a stock book showing the quantities of goods entrusted

to him by the registered dealer, the quantities disposed of from day to day by sale or otherwise and the balance on hand at the end of each day.

(4) An application for permit referred to in sub-section (1) shall be made to such authority, in such manner and within such period as may be prescribed and shall be accompanied by such fee not exceeding ten rupees as may be prescribed.

Explanation.—A separate application with a separate fee shall be necessary for the registered dealer and for each travelling salesman or representative employed by him.

(5) If the prescribed authority is satisfied that the application is in order, it shall issue the permit in the prescribed form.

(6) A permit issued under sub-section (5) shall be valid for a year and shall be renewed from year to year on receipt of an application from the registered dealer accompanied by such fee not exceeding ten rupees as may be prescribed.

(7) If the prescribed authority is satisfied that the permit issued under sub-section (5) is lost or accidentally destroyed, it shall on application by the registered dealer accompanied by a fee of one rupee, issue to him a duplicate of the permit.

(8) The prescribed authority shall cancel a permit—

(a) on requisition made in writing by the registered dealer; and

(b) on the cancellation of the certificate of registration.

(9) The prescribed authority may cancel a permit if the permit holder has contravened any of the terms or conditions of the permit or any of the provisions of this Act or the rules made thereunder.

(10) No application for a permit or for a duplicate thereof shall be refused and no permit shall be cancelled under clause (b) of sub-section (8) unless the registered dealer has been given a reasonable opportunity of being heard and no permit shall be cancelled under sub-section (9) unless the permit holder has been given a reasonable opportunity of being heard.

Collection of tax by dealer.

25. No person who is not a registered dealer shall collect any amount by way of tax under this Act; nor shall a registered dealer make any such collection except in accordance with such conditions and restrictions, if any, as may be prescribed.

Levy of penalty in certain cases.

26. If any person after purchasing any goods in respect of which he has made a declaration under the proviso to sub-section (3) of section 3 fails without reasonable excuse to make use of the goods for the declared purpose, the assessing authority may, after giving him a reasonable opportunity of being heard, by order in writing impose upon him by way of penalty a sum not exceeding one and half times the tax payable on the turnover relating to the sale of such goods at a rate which is equal to the rate prescribed in the First Schedule less the tax already paid on such turnover :

Provided that no prosecution for an offence under section 49 shall be instituted in respect of the same facts on which a penalty has been imposed under this section.

Payment and recovery of tax.

27. (1) The tax assessed under this Act shall be paid in such manner and in such instalments, if any, and within such time as may be specified in the notice of the assessment, not being less than twenty-one days from the date of service of the notice. If default is made in paying according to the notice of assessment, the whole of the amount outstanding on date of default shall become immediately due and shall be a charge on the properties of the person or persons liable to pay the tax under this Act.

(2) Any tax assessed on, or any other amount due under this Act from a dealer or person and any fee due from him under this Act, may without prejudice to any other mode of collection be recovered—

(a) as if it were an arrear of land revenue under the law for the time being in force in that behalf, or

(b) on application to any Magistrate, by such Magistrate as if it were a fine imposed by him :

Provided that no proceedings for such recovery shall be taken or continued as long as he has, in regard to the payment of such tax, other amount or fee, as the case may be, complied with an order by any of the authorities to whom the dealer or person has appealed or applied for revision, under sections 34, 36, 39, 40, 41 or 42.

(3) If the tax assessed under this Act or any instalment thereof is not paid by any dealer or person within the time specified therefor in the notice of assessment or in the order permitting payment in instalment, the dealer or person shall pay by way of penalty, in addition to the amount due a sum equal to—

(a) half a per cent of such amount, for each month or part thereof for the first three months after the date specified for its payment;

(b) one per cent of such amount, for each month or part thereof subsequent to the first three months aforesaid.

Recovery of penalty.

28. Any penalty payable under this Act shall be deemed to be tax under this Act for the purposes of collection and recovery and shall be without prejudice to the institution of any proceeding for an offence under this Act, or for the recovery of the entire amount remaining unpaid under this Act.

Further mode of recovery.

29. (1) The assessing authority may at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the dealer at his last address known to the assessing authority) require any person from whom money is due or may become due to the dealer or any person who holds or may subsequently hold money for or on account of the dealer to pay to the assessing authority, either forthwith upon the money becoming due or being held at or within the time specified in

the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of tax or fee or the whole of the money when it is equal to or less than the arrears of tax or fee.

(2) The assessing authority may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the assessing authority shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person making any payment to the dealer after receipt of the notice referred to in this section shall be personally liable to the assessing authority to the extent of the payment made or to the extent of the liability of the dealer for the amount due under this Act, whichever is less.

(5) Where any person to whom a notice under this section is sent objects to it on the ground that the sum demanded or any part thereof is not due by him to the dealer, or that he does not hold any money for or on account of the dealer, then nothing contained in this section shall be deemed to require such person to pay the sum demanded or any part thereof, to the assessing authority.

(6) Any amount which a person is required to pay to the assessing authority or for which he is personally liable to the assessing authority under this section shall, if it remains unpaid, be a charge on the properties of the said person and may be recovered as if it were an arrear of land revenue.

Explanation.—For the purposes of this section, the amount due to a dealer or money held for or on account of a dealer by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such dealer to such person and as may be lawfully subsisting.

Recovery of tax where business of dealer is transferred.

30. Where the ownership of the business of a dealer liable to pay tax or other amount is transferred, any tax or other amount payable under this Act in respect of such business and remaining unpaid at the time of the transfer and any tax or other amount due upto the date of transfer though unassessed, may, without prejudice to any action that may be taken for its recovery from the transferor, be recovered from the transferee as if he was the dealer liable to pay such tax or other amount :

Provided that the recovery from the transferee of the arrears of taxes due for the period prior to the date of the transfer shall be limited to the value of the assets he obtained by transfer.

**Appointment of Deputy Commissioners, Appellate
Assistant Commissioners and Assistant
Commissioners.**

¹[31. The Government may appoint as many Deputy Commissioners of Commercial Taxes, Appellate Assistant

1. Substituted by Act 1 of 1971, section 3, w.e.f. 16-2-1971.

Commissioners of Commercial Taxes and Assistant Commissioners of Commercial Taxes as may be necessary, for the purposes of performing the functions respectively conferred on them by or under this Act and such officers shall perform the said functions within such local limits as the Government or any authority or officer empowered by them in this behalf may assign to them.

Special powers of Assistant Commissioners.

32. For the purposes of recovery of 1 [any amounts due under this Act] an Assistant Commissioner shall have the powers of a Collector under the Pondicherry Revenue Recovery Act, 1970 (Act No 14 of 1970), and he shall follow for recovering such amounts the procedure laid down in that Act.]

Appellate Tribunal:

33. (1) The Government shall appoint a Judicial Officer who is otherwise qualified to be appointed² [as a District and Sessions Judge] to be the Appellate Tribunal and to exercise the functions conferred under the Act:

Provided that the Government may entrust the duties of the Appellate Tribunal to² [the Principal District and Sessions Judge, Pondicherry.]

(2) The Appellate Tribunal shall, with the previous sanction of the Government, make, by notification, regulations consistent with the provisions of this Act and the rules made thereunder for regulating the procedure and the disposal of its business.

1. Substituted by Act 13 of 1971, section 3, w.e.f. 23-7-1971.

2. Substituted by Act 1 of 1971, section 4, w.e.f. 16-2-1971.

Appeal to the Appellate Assistant Commissioner.

34. (1) Any person objecting to an order passed by the appropriate authority under section 5, section 13, section 16, section 17, sub-section (1), (2) or (3) of section 18, section 20, section 26, section 30, sub-section (4) of section 45, or sub-section (3) of section 46, may, within a period of thirty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the Appellate Assistant Commissioner, having jurisdiction:

Provided that the Appellate Assistant Commissioner may admit an appeal presented after the expiration of the said period if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period:

Provided further that in the case of an order under section 13, section 16, section 17 or sub-section (1), (2) or (3) of section 18, no appeal shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due or of such instalments thereof as might have become payable, as the case may be.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the Appellate Assistant Commissioner may, after giving the appellant a reasonable opportunity of being heard,

(a) in the case of an order of assessment—

(i) confirm, reduce, enhance or annul the assessment or the penalty or both; or

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed ; or

(iii) pass such other orders as he may think fit ; and

(b) in the case of any other order, confirm, cancel, or vary such order :

Provided that at the hearing of any appeal against an order of the assessing authority, the assessing authority shall have the right to be heard either in person or by a representative.

(4) Where as a result of the appeal any change becomes necessary in the order appealed against, the Appellate Assistant Commissioner may authorise the assessing authority to amend such order accordingly and on such amendment being made, any amount over paid by the appellant shall be refunded to him without interest or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred :

Provided that the Appellate Assistant Commissioner may, in his discretion, give such direction as he thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to his satisfaction, in such form and in such manner as may be prescribed.

Special powers of the Deputy Commissioner.

35. (1) The Deputy Commissioner may of his own motion, call for and examine an order passed or proceeding recorded by the appropriate authority under section 5, section 13, section 16, section 17, or sub-section (1), (2) or (3) of section 18 and may make such enquiry or cause such enquiry to be made and, subject to the provisions of this Act, may pass such order thereon as he thinks fit.

(2) The Deputy Commissioner shall not pass any order under sub-section (1), if—

(a) the time for appeal against the order has not expired ; or

(b) the order has been made the subject of an appeal to the Appellate Assistant Commissioner or the Appellate Tribunal, or of a revision in the High Court ; or

(c) more than four years have expired after the passing of the order.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

(4) In computing the period referred to in clause (c) of sub-section (2), the time during which the proceedings before the Deputy Commissioner remained stayed under the orders of a Civil Court or other competent authority shall be excluded.

Powers of revision of Deputy Commissioner.

36. (1) Any person objecting to an order passed or proceeding recorded under this Act, for which an appeal has not been provided for in section 34 may, within a period of thirty days from the date on which a copy of the order or proceeding was served on him in the manner prescribed, file an application for revision of such order or proceeding to the Deputy Commissioner :

Provided that the Deputy Commissioner may admit an application for revision presented after the expiration of the said period, if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

(2) An application for revision shall be in the prescribed form and shall be verified in the prescribed manner.

(3) On admitting an application for revision, the Deputy Commissioner may call for and examine the record of the order or proceeding against which the application has been preferred and may make such enquiry or cause such enquiry to be made and, subject to the provisions of this Act, pass such order thereon as he thinks fit.

(4) Notwithstanding that an application has been preferred under sub-section (1), the tax, fee or other amount shall be paid in accordance with the order or proceeding against which the application has been preferred :

Provided that the Deputy Commissioner may, in his discretion, give such directions as he thinks fit, in regard to the payment of such tax, fee or other amount, if the applicant furnishes sufficient security to his satisfaction in such form and in such manner as may be prescribed.

(5) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

**Special powers of Secretary to Government, Finance
Department, Pondicherry.**

37. (1) The Secretary to Government, Finance Department, Pondicherry (hereafter in this Act referred to as the Secretary), may, of his own motion, call for and examine an order passed or proceeding recorded by the appropriate authority under section 5, section 13, section 16, section 17, or sub-section (1), (2) or (3) of section 18 or an order passed by the Appellate Assistant Commissioner under sub-section (3) of section 34 or by the Deputy Commissioner under sub-section (1) of section 35 and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act may pass such order thereon as he thinks fit.

(2) The Secretary shall not pass any order under sub-section (1) if—

(a) the time for appeal against that order has not expired; or

(b) the order has been made the subject of an appeal to the Appellate Tribunal, or of a revision in the High Court, or

(c) more than four years have expired after the passing of the order.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

(4) In computing the period referred to in clause (c) of sub-section (2), the time during which the proceedings before the Secretary remained stayed under the orders of a Civil Court or other competent authority shall be excluded.

Power to transfer appeals.

38. (1) The Secretary may, either on his motion or on application, for reasons to be recorded in writing, transfer an appeal pending before an Appellate Assistant Commissioner to another Appellate Assistant Commissioner.

(2) The Secretary may, when exercising the powers under sub-section (1), direct the stay of further proceedings before an Appellate Assistant Commissioner.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

Powers of revision by Secretary.

39. (1) Any person objecting to an order passed by the Deputy Commissioner under sub-section (3) of section 36, may within a period of thirty days from the date on which a copy of the order was served on him in the manner prescribed, file an application for revision of such order to the Secretary :

Provided that the Secretary may admit an application presented after the expiry of the said period if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

(2) Such application for revision shall be in the prescribed form and shall be verified in the prescribed manner.

(3) On admitting an application for revision, the Secretary may call for and examine the record of the order against which the application has been preferred and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, pass such order thereon as he thinks fit and such other order shall be final.

(4) Notwithstanding that an application has been preferred under sub-section (1), the tax, fee or other amount shall be paid in accordance with the order against which the application has been preferred :

Provided that the Secretary may, in his discretion, give such directions as he thinks fit, in regard to the payment of such tax, fee or other amount, if the applicant furnishes sufficient security to his satisfaction in such manner as may be prescribed.

(5) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

Appeal to the Appellate Tribunal.

40. (1) Any person objecting to an order passed by the Appellate Assistant Commissioner under sub-section (3) of section 34, or an order passed by the Deputy Commissioner under

sub-section (1) of section 35 may, within a period of sixty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the Appellate Tribunal :

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed.

(3) In disposing of an appeal, the Appellate Tribunal may, after giving the appellant a reasonable opportunity of being heard,

(a) in the case of an order of assessment—

(i) confirm, reduce, enhance or annul the assessment or penalty or both ; or

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed ; or

(iii) pass such other orders as it may think fit ; and

(b) in the case of any other order, confirm, cancel or vary such order :

Provided that at the hearing of any appeal against an order of the Appellate Assistant Commissioner or the Deputy Commissioner, the assessing authority shall have the right to be heard either in person or by a representative :

Provided further that, if the appeal involves a question of law on which the Appellate Tribunal has previously given its decision in another appeal and either a revision petition in the High Court against such decision or an appeal in the Supreme Court against the order of the High Court thereon is pending, the Appellate Tribunal may defer the hearing of the appeal before it, till such revision petition in the High Court or the appeal in the Supreme Court is disposed of.

(4) Where as a result of the appeal any change becomes necessary in the order appealed against, the Appellate Tribunal may authorise the assessing authority to amend such order accordingly and on such amendment being made any amount over paid by the appellant shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with provisions of this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred :

Provided that the Appellate Tribunal may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(6) (a) The appellant or the respondent may apply for review of any order passed by the Appellate Tribunal under sub-section (3) on the basis of the discovery of new and important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made :

Provided that no such application shall be preferred more than once in respect of the same order.

(b) The application for review shall be preferred in the prescribed manner and within one year from the date on which a copy of the order to which the application relates was served on the applicant in the manner prescribed and where the application is preferred by any party other than a departmental authority it shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed.

(7) Except as provided in this rules made under this Act, the Appellate Tribunal shall not have power to award costs to either of the parties to the appeal or review.

(8) Every order passed by the Appellate Tribunal under sub-section (3) or (6) shall be communicated in the manner prescribed to the appellant, the respondent, the authority from whose order the appeal was preferred, the Deputy Commissioner, if he is not such authority, and the Secretary.

(9) Every order passed by the Appellate Tribunal under sub-section (3) shall, subject to the provisions of sub-section (6) and section 42, be final.

Appeal to the High Court.

41. (1) Any person objecting to an order passed by the Secretary under section 37 may, within a period of sixty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the High Court.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the High Court may, after giving the appellant a reasonable opportunity of being heard,

(a) in the case of an order of assessment—

(i) confirm, reduce, enhance, or annul the assessment or penalty or both ; or

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed ; or

(iii) pass such other orders as it may think fit ; and

(b) in case of any other order, confirm, cancel or vary such order :

Provided that at the hearing of any appeal the assessing authority shall have the right to be heard either in person or by a representative.

(4) Where as a result of the appeal any change becomes necessary in the order appealed against, the High Court may authorise the assessing authority to amend such order accordingly and on such amendment being made, any amount over

paid by the appellant shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Every order passed in appeal under this section shall be final.

(6) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred :

Provided that the High Court may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(7) (a) The appellant or respondent may apply for review of any order passed by the High Court under sub-section (3) on the basis of the discovery of new and important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made.

(b) The application for review shall be preferred within such time and in such manner as may be prescribed, and shall, where it is preferred by the assessee, be accompanied by a fee of one hundred rupees.

Revision by High Court.

42. (1) Within ninety days from the date on which a copy of the order under sub-section (3) of section 40 is served in the manner prescribed, any person who objects to such order or the Deputy Commissioner may prefer a petition to the High Court on the ground that the Appellate Tribunal has either decided erroneously or failed to decide any question of law :

Provided that the High Court may admit a petition preferred after the period of ninety days aforesaid if it is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period.

(2) The petition shall be in the prescribed form, shall be verified in the prescribed manner, and shall, where it is preferred by any party other than the Deputy Commissioner be accompanied by a fee of one hundred rupees.

(3) If the High Court, on perusing the petition, considers that there is no sufficient ground for interfering, it may dismiss the petition summarily :

Provided that no petition shall be dismissed unless the petitioner has had a reasonable opportunity of being heard.

(4) (a) If the High Court does not dismiss the petition summarily, it shall, after giving both the parties to the petition a reasonable opportunity of being heard, determine the question of law raised and either reverse, affirm or amend the order against which the petition was preferred or remit the matter to the Appellate Tribunal, with the opinion of the High Court on the question of law raised or pass such order in relation to the matter as the High Court thinks fit.

(b) Where the High Court remits the matter under clause (a) with its opinion on the question of law raised, the Appellate Tribunal shall amend the order passed by it in conformity with such opinion.

(5) Before passing an order under sub-section (4), the High Court may, if it considers it necessary so to do, remit the petition to the Appellate Tribunal, and direct it to return the petition with its finding on any specific question or issue.

(6) Notwithstanding that a petition has been preferred under sub-section (1), that tax shall be paid in accordance with the order against which the revision has been preferred :

Provided that the High Court may, in its discretion, give such direction as it thinks fit in regard to the payment of the tax before the disposal of the petitions, if the petitioner furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(7) If as a result of the petition any change becomes necessary in such assessment, the High Court may direct the assessing authority to amend the assessment accordingly, and on such amendment being made, any amount overpaid by the assessee shall be refunded to him without interest, or the further amount of tax due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(8) (a) The petitioner or the respondent may apply for review of any order passed by the High Court under clause (a) of sub-section (4) on the basis of the discovery of new and

important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made.

(b) The application for review shall be preferred within such time, and in such manner as may be prescribed, and shall where it is preferred by any party other than the Deputy Commissioner be accompanied by a fee of one hundred rupees.

(9) In respect of every petition or application preferred under sub-section (1), or clause (a) of sub-section (8), the costs shall be in the discretion of the High Court.

Petitions, applications and appeals to High Court to be heard by a Bench of not less than two judges.

43. (1) Every appeal preferred to the High Court under section 41 and every petition under section 42 shall be heard by a Bench of not less than two judges.

(2) Where an appeal is heard by a Bench of two or more judges, the appeal shall be decided in accordance with the opinion of such judges or of the majority (if any) of such judges.

(3) Where there is no such majority which concurs in a judgment varying or reversing the order appealed from, such order shall be confirmed :

Provided that where the Bench hearing the appeal is composed of two judges and judges composing the Bench differ in opinion on a point of law, they may state the point of law upon which they differ and the appeal shall then be heard upon

that point only by one or more other judges of the High Court and such point shall be decided according to the opinion of the majority, if any, of the judges who have heard the appeal including those who first heard it.

**Maintenance of true and correct accounts and records
by dealers.**

44. Every person registered under this Act, every dealer liable to get himself registered under this Act, and every other dealer who is required so to do by the prescribed authority by notice served in the prescribed manner shall keep and maintain in relation to his business true and correct accounts and such other record as may be prescribed in any of the languages specified in the Eighth Schedule to the Constitution, or in English, showing such particulars as may be prescribed; and different particulars may be prescribed for different classes of dealers.

**Powers to order production of accounts and
powers of entry, inspection, etc.**

45. (1) Any officer empowered by the Government in this behalf may, for the purposes of this Act, require any dealer to produce before him the accounts, registers, records and other documents and to furnish any other information relating to his business.

(2) All accounts, registers, records and other documents maintained by a dealer in the course of his business, the goods in his possession and his offices, shops, godowns, vessels or vehicles shall be open to inspection at all reasonable times by such officer:

Provided that no residential accommodation not being a place of business-cum-residence shall be entered into and searched by such officer except on the authority of a search warrant issued by a Magistrate having jurisdiction over the area, and all searches under this sub-section shall, so far as may be, be made in accordance with the provisions of the Code of Criminal Procedure, 1898. -

(3) If any such officer has reason to suspect that any dealer is attempting to evade the payment of any tax, fee or other amount due from him under this Act, he may, for reasons to be recorded in writing, seize such accounts, registers, records or other documents of the dealer as he may consider necessary, and shall give the dealer a receipt for the same. The accounts, registers, records and documents so seized shall be retained by such officer only for so long as may be necessary for their examination and for any inquiry or proceeding under this Act :

Provided that such accounts, registers and documents shall not be retained for more than thirty days at a time except with the permission of the next higher authority.

(4) Any such officer shall have power to seize and confiscate any goods which are found in any office, shop, godown, vessel, vehicle or any other place of business or any building or place of the dealer, but not accounted for by the dealer in his accounts, registers, records and other documents, maintained in the course of his business :

Provided that before ordering the confiscation of goods under this sub-section, the officer shall give the person affected an opportunity of being heard and make an inquiry in the prescribed manner :

Provided further that the officer ordering the confiscation shall give the person affected option to pay in lieu of confiscation—

(a) in cases where the goods are taxable under this Act, in addition to the tax recoverable, a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, whichever is greater; and

(b) in other cases, a sum of money not exceeding one thousand rupees.

Explanation.—It shall be open to the Government to empower different classes of officers for the purpose of taking action under sub-sections (1), (2) and (3).

Establishment of check-post or barrier and inspection of goods, while in transit.

46. (1) If the Government consider that with a view to prevent or check evasion of tax under this Act, in any place or places in the Union territory, it is necessary so to do, they may, by notification, direct the setting up of a check-post or the erection of a barrier or both, at such place or places as may be notified.

(2) At every check-post or barrier mentioned in sub-section (1), or at any other place when so required by any officer empowered by the Government in this behalf, the driver or any other person in charge of any vehicle or boat shall stop the vehicle or boat, as the case may be, and keep it stationary

as long as may reasonably be necessary, and allow the officer-in-charge of the check-post or barrier, or the officer empowered as aforesaid, to examine the contents in the vehicle or boat and inspect all records relating to the goods carried, which are in the possession of such driver, or other person in charge, who shall, if so required, give his name and address and the name and address of the owner of the vehicle or boat as well as those of the consigner and the consignee of the goods.

(3) The officer-in-charge of the check-post or barrier, or the officer empowered as aforesaid shall have power to seize and confiscate any goods which are under transport by any vehicle or boat and are not covered by—

(i) a Bill of sale or delivery note ;

(ii) a Goods Vehicle Record, a Trip Sheet or as the case may be, be a Log Book ; and

(iii) such other documents as may be prescribed under sections 47 and 48 :

Provided that before ordering confiscation the officer shall give the person affected an opportunity of being heard and make an enquiry in the prescribed manner :

Provided further that the officer ordering the confiscation shall give the person affected option to pay in lieu of confiscation—

(a) in cases where the goods are taxable under this Act, in addition to the tax recoverable a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, whichever is greater ; and

(b) in other cases, a sum of money not exceeding one thousand rupees.

Possession and submission of certain records by owners, etc., of boats.

47. The owner or other person in charge of a boat shall carry with him—

(i) Bill of sale or delivery note,

(ii) Log Book, and

(iii) such other documents as may be prescribed,

relating to the goods under transport and containing such particulars as may be prescribed and shall submit to the [Assistant Commissioner], having jurisdiction over the area in which the goods are delivered, the documents aforesaid or copies thereof within such time as may be prescribed.

Possession and submission of certain records by owners, etc., of goods vehicles.

48. The owner or other person in charge of a goods vehicle shall carry with him—

(i) Bill of sale or delivery note,

(ii) Goods Vehicle Record or Trip Sheet, and

(iii) such other document as may be prescribed,

relating to the goods under transport and containing such particulars as may be prescribed and shall submit to the ¹[Assistant Commissioner], having jurisdiction over the

1. Substituted by Act 1 of 1971, section 5, w.e.f. 16-2-1971.

area in which the goods are delivered, the documents aforesaid or copies thereof within such time as may be prescribed.

Offences and penalties.

49. (1) Any person who—

(a) being an assessee under this Act, fails to submit a return as required by the provisions of this Act, or the rules made thereunder, or

(b) being a person obliged to register himself as a dealer under this Act, does not get himself registered, or

(c) being a person obliged to take out a permit under this Act does not take out such permit, or

(d) collects any amount by way of tax under this Act, in contravention of the provisions of section 25,

shall on conviction by a Magistrate, not below the rank of a Second-Class Magistrate, be liable to fine which may extend to two hundred rupees.

(2) Any person who—

(a) wilfully submits an untrue return, or, not being already an assessee under this Act, fails to submit a return as required by the provisions of this Act, or the rules made thereunder, or

(b) fraudulently evades the payment of any tax assessed on him or any fee or other amount due from him under this Act, or

(c) dishonestly objects to a notice issued to him under sub-section (1) of section 29, or

(d) wilfully acts in contravention of any of the provisions of this Act, or

(e) after purchasing any goods in respect of which he has made a declaration under the proviso to sub-section (3) of section 3 fails without reasonable excuse to make use of the goods for the declared purpose,

shall, on conviction by a Magistrate of the First Class, be liable to a fine which may extend to one thousand rupees and in the event of a second or subsequent conviction, to simple imprisonment which may extend to six months or a fine which may extend to two thousand rupees or both.

(3) Any person who—

(a) prevents or obstructs inspection, entry, search or seizure by an officer empowered under section 45, or

(b) prevents or obstructs inspection of any goods vehicle, or boat carrying goods, by an officer-in-charge of a check-post or barrier or any officer empowered under section 46, shall, on conviction, be liable to simple imprisonment which may extend to six months or a fine which may extend to two thousand rupees or both.

Composition of offences.

50. (1) The prescribed authority may, whether on application made to it in this behalf or otherwise, give any person

who has committed or is reasonably suspected of, having committed an offence under this Act, option to pay within a specified period by way of composition of such offence :—

(a) where the offence consists of the failure to pay, or the evasion of, any tax recoverable under this Act, in addition to the tax so recoverable, a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, whichever is greater, and

(b) in other cases, a sum of money not exceeding one thousand rupees.

(2) On payment of such sum of money and the tax, if any, recoverable under this Act, no prosecution for an offence under this Act shall be instituted in respect of the same facts on which a composition has been allowed under this section.

(3) Where the prescribed authority, on application made under sub-section (1), passes an order refusing to allow composition under this section, it shall record in writing the reasons therefor and furnish to the applicant on request a brief statement of the same unless in any case the prescribed authority is of the opinion that it will not be in the public interest to furnish such statement.

Cognizance of offences.

51. No prosecution for any offence under sub-section (3) of section 49 shall be instituted except with the written consent of the Deputy Commissioner.

Assessment, etc., not to be questioned in prosecution.

52. (1) The order of assessment made under this Act shall be conclusive evidence in any prosecution or other proceedings.

(2) The validity of the assessment of any tax, or of the levy of any fee or other amount, made under this Act, or the liability of any person to pay any tax, fee or other amount so assessed or levied shall not be questioned in any criminal court in any prosecution or other proceeding, whether under this Act or otherwise.

Bar of certain proceedings.

53. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

54. No suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Bar of suits and proceedings to set aside or modify assessments except as provided in this Act.

55. No suit or other proceedings shall, except as expressly provided by or under this Act, be instituted in any court to set aside or modify any assessment made under this Act.

Appearance before any authority in proceedings.

56. Any person who is entitled to appear before any authority other than the High Court in connection with any proceedings under this Act may be represented before such authority—

(a) by his relative or a person regularly employed by him, if such relative or person is duly authorised by him in writing in this behalf; or

(b) by a legal practitioner; or

(c) subject to such conditions, as may be prescribed, by an accountant or as a sales tax practitioner possessing the prescribed qualifications and duly authorised by him in writing in this behalf.

Power to make rules.

57. (1) The Government may make rules to carry out the purposes of this Act.

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

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) determining the total turnover or turnover of a dealer for the purposes of this Act ;

(c) the assessment to tax under this Act, of business which is discontinued or the ownership of which has changed ;

¹ [(cc) the assessment to tax under this Act of any Hindu undivided family, firm or other association of persons, where such family, firm or association is partitioned or dissolved ;]

(d) the assessment to tax under this Act, of business owned by minors and other incapacitated persons or by persons residing outside the Union territory ;

(e) the assessment of a business owned by any person whose estate or any portion of whose estate is under the control of the Court of Wards, the Administrator General, the Official Trustee, or any receiver or manager appointed by or under any order of a Court ;

(f) the administration of the check-posts set up and barriers erected under this Act and the regulation of the work therein ;

(g) the disposal of goods confiscated under this Act and of the proceeds thereof ;

(h) compelling the submission of return ;

(i) the form of, and the particulars to be contained in, any declaration to be given under this Act, the authority from whom, the conditions subject to which and the fees

1. Inserted by Act 22 of 1970, section 4, w.e.f. 6-8-1970.

subject to payment of which any form of declaration prescribed under sub-section (3) of section 3 may be obtained, the manner in which the form shall be kept in custody and records relating thereto maintained, the manner in which any such form may be used and any such declaration may be furnished ;

(j) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act ;

(k) the term of office, and the conditions of service, of the members of the Appellate Tribunal ;

(l) the circumstances in which and the extent to which, fees paid in pursuance of section 40 may be refunded ;

(m) the issue of bills or cash memoranda, the class or classes of dealers who should maintain counterfoils for the same and the particulars to be shown in, and the manner of maintenance of, such counterfoils and the time for which they should be preserved ;

(n) the maintenance of purchase bills or accounts of purchases and sales by dealers and the time for which they should be preserved ;

(o) the issue of delivery notes in respect of goods delivered or transferred to retail dealers in pursuance of sales effected to them, the form and manner of their issue and the time for which they should be preserved ;

(p) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act.

(3) (a) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to one thousand rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

(b) No Court inferior to that of a Magistrate of the Second class shall inquire into or try any offence consisting of a breach of a rule.

(4) (a) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notification issued under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(5) Any rule made or any notification issued under this Act may be made or issued so as to be retrospective to any date not earlier than the commencement of this Act.

(6) Every rule made or notification issued under this Act shall, as soon as may be after it is made or issued, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of fourteen days, which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session in which it is so laid or the

successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or notification or decides that any such rule or notification should not be made or issued, that rule or notification shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Power to summon witnesses and production of documents.

58. An assessing authority or an appellate or revising authority (including the Appellate Tribunal) or any officer of the ¹[Commercial Taxes Department] not lower in rank than an Assistant Commercial Tax Officer shall, for the purposes of this Act, have all the powers conferred on a Court under the law relating to civil procedure for the time being in force, for the purpose of—

- (a) summoning and enforcing the attendance of any person and examining him on oath or affirmation; and
- (b) compelling the production of any document.

Power to rectify and error apparent on the face of record.

59. (1) An assessing authority or an appellate or revising authority (including the Appellate Tribunal) may, at any time within three years from the date of any order passed by it, rectify any error apparent on the face of the record :

1. Substituted by Act 1 of 1971, section 6, w.e.f. 16-2-1971.

Provided that no such rectification which has the effect of enhancing an assessment or any penalty shall be made unless such authority has given notice to the dealer and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment or penalty, the assessing authority shall make any refund which may be due to the dealer.

(3) Where any such rectification has the effect of enhancing an assessment or penalty, the assessing authority shall give the dealer a revised notice of assessment or penalty and thereupon the provisions of this Act, and the rules made thereunder shall apply as if such notice had been given in the first instance.

Power to remove difficulties.

60. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to the Government to be necessary for the purpose of removing the difficulty :

Provided that no such order shall be made under this section after the expiration of two years from the publication of this Act in the Official Gazette.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Pondicherry and the provisions of sub-sections (4) and (6) of section 57 shall apply in respect of such order as they apply in respect of a notification issued under this Act.

**Prohibition of disclosure of particulars produced
before¹ [Commercial Taxes authorities]**

61. (1) All particulars contained in any statement made, return furnished or accounts, registers, records or documents produced under the provisions of this Act or in any evidence given or affidavit or deposition made, in the course of any proceeding under this Act or in any record of any proceeding relating to the recovery of a demand, prepared for the purposes of this Act shall be treated as confidential and shall not be disclosed.

Nothing contained in sub-section (1) shall apply to the disclosure of any such particulars—

(i) for the purpose of prosecution under the Indian Penal Code (Central Act 45 of 1860) or under this Act in respect of any such statement, return, accounts, registers, records, documents, evidence, affidavit or deposition; or

(ii) to any person enforcing the provisions of this Act, where it is necessary, to disclose the same to him for purposes of this Act; or

(iii) occasioned by the lawful employment under this Act of any process for the recovery of any demand; or

(iv) to a Civil Court in any suit to which the Government are party and which relates to any matter arising out of any proceeding under this Act; or

1. Substituted by Act 1 of 1971, section 6, w.e.f. 16-2-1971.

(v) occasioned by the lawful exercise by a public servant of his powers under the law relating to stamp duty for the time being in force to impound or otherwise collect the stamp duty on an insufficiently stamped document; or

(vi) to an officer of—

(a) the Government of India; or

(b) the Government of any State in India with which an agreement for disclosure on a reciprocal basis has been entered into by the Government of the State; or

(vii) to an officer subordinate to the Government other than an officer of the ¹ [Commercial Taxes Department] of the Union territory, after obtaining—

(a) the permission of the ² [Assistant Commissioner] where such particulars are to be furnished by an officer subordinate to the ² [Assistant Commissioner]; and

(b) the permission of the Secretary where such particulars are to be furnished by a ² [Assistant Commissioner] or an Appellate Assistant Commissioner or a Deputy Commissioner;

Provided that such particulars shall be furnished under this clause only in exceptional cases and any officer obtaining such particulars shall keep them as confidential and use them as confidential and use them only in the lawful exercise of the powers conferred by or under any enactment.

1. Substituted by Act 1 of 1971, section 6, w.e.f. 16-2-1971.

2. Substituted by Act 1 of 1971, section 5, w.e.f. 16-2-1971.

(3) Nothing contained in this section shall prevent the publication of the final assessment of any party in the prescribed manner.

Power to amend Schedules.

62. (1) The Government may, by notification, alter, add to, or cancel any of the Schedules.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is, in the meantime rescinded, be introduced in the Legislative Assembly of Pondicherry, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government to give effect to the alteration, addition or cancellation, as the case may be, of the Schedules specified in the notification and the notification shall cease to have effect,—

(a) if a Bill as aforesaid is not introduced in the next session of the Legislative Assembly following the date of issue of notification, on the date following the date on which such session comes to an end ;

(b) if a Bill as aforesaid is so introduced, when such Bill,—

(i) becomes law whether with or without modifications, or

(ii) is rejected by the Legislative Assembly, except as respect things done or omitted to be done before the notification so ceases to have effect :

Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, every endeavour shall be made to introduce such a Bill in the Legislative Assembly during that session :

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly, the notification shall cease to have effect on the expiration of the said period of six months except as respect things done or omitted to be done before the notification so ceases to have effect.

(3) All references made in this Act to any of the Schedules shall be construed as relating to the Schedules for the time being amended in exercise of the powers conferred by this section.

Certain transactions deemed to be first sales or purchase.

63. Notwithstanding anything contained in this Act, the sale or purchase of such of those goods—

(i) as were not liable to tax only at the point of first sale or purchase before the commencement of this Act ; and

(ii) as are liable to tax only at the point of first sale or purchase under sub-section (2) of section 3 of this Act effected within the Union territory after the commencement of this Act,

shall be deemed to be the first sale or purchase for the purposes of this Act although any sale or purchase of such goods has taken place within the Union territory before such commencement.

Repeal of existing laws.

64. (1) The deliberation of the erstwhile Representative Assembly, dated the 25th April, 1953 as amended by the subsequent Deliberation, dated the 23rd October, 1953 providing for the levy of a tax on transactions in Pondicherry is hereby repealed :

Provided that such repeal shall not affect the previous operation of the said Deliberation or any right, title, obligation or liability already acquired, accrued or incurred thereunder and all arrears of tax and other amounts due at the commencement of this Act may be recovered as if they had accrued under this Act.

(2) Notwithstanding anything contained in sub-section (1) any application, appeal, revision or other proceedings made or preferred to any officer or authority under the said Deliberation and pending at the commencement of this Act, shall after such commencement, be transferred to and disposed of by the officer or authority who would have had jurisdiction to

entertain such application, appeal, revision or other proceeding under this Act if it had been in force on the date on which such application, appeal, revision or other proceeding was made or preferred.

Certain contraventions not to be offences.

65. Notwithstanding the retrospective operation of—

(a) this Act or

(b) any rule made or notification issued under this Act,

no person shall be convicted of any offence for the contravention of, or failure to comply with, any provisions of this Act or, as the case may be, of any such rule or notification, if such contravention or failure occurred before the publication of this Act or, as the case may be, the publication of such rule or notification in the Official Gazette.

Validation.

66. (1) Notwithstanding anything contained in any judgment, decree or order of any Court,—

(a) all taxes levied or collected in pursuance of the Pondicherry General Sales Tax Act, 1965 (Pondicherry Act 10 of 1965) (which has been declared to be unconstitutional and still born) or in pursuance of that Act read with the Pondicherry General Sales Tax (Amendment) Act, 1966 (Pondicherry Act 13 of 1966) (which has been declared to be inoperative) shall be deemed to have been levied or collected under this Act ;

(b) any notification, order or appointment purporting to have been made, any act, proceeding or thing purporting to have been done or taken, by the Government or by any officer or authority subordinate to the Government under any provisions of the said Acts or under any rule referred to in sub-section (2) of section 2 of the first mentioned Act or sub-section (2) of section 3 of the second mentioned Act shall be deemed to be and have been a notification, order, appointment, act, proceeding or thing made, done or taken under this Act ;

and accordingly,—

(i) no suit or other proceeding shall be instituted or continued in any court against the Government or any person or authority whatsoever for the refund of any taxes so collected ; and

(ii) no court shall enforce any decree or order directing the refund of any taxes so collected.

(2) For the removal of doubt, 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 this Act and rules made thereunder the assessment of tax for any period, or

(b) from claiming the refund or any tax paid by him in excess of the amount due from him under this Act.

THE FIRST SCHEDULE
GOODS IN RESPECT OF WHICH SINGLE POINT
TAX IS LEVIABLE

(See sections 3, 9, 22, 26, and 62)

Sl. No.	Description of the goods	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	Typewriters, tabulating machines, calculating machines and duplicating machines and parts thereof.	At the point of first sale in the union territory	Per cent 12*
2.	All clocks, timepieces and watches and parts thereof.	do.	12*
3.	Motor vehicles including *motor-cars, motor taxi-cabs, motor cycles and cycle combinations, motor scooters, motorettes, motor omni-buses, motor vans and motor lorries, chassis of motor vehicles, component parts of motor vehicles, all varieties of trailers by whatever name known, articles [including rubber and other† tyres and tubes and 1 (excluding) batteries] adopted for use as parts and accessories of motor vehicles not being such articles as are ordinarily also used for purposes other than as parts or accessories of motor vehicles.	do.	12*
1[3-A	Electric storage batteries and parts thereof including containers, covers and plates.	do.	7
3-B	Spark plugs.	do.	7]

* Substituted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.

† Substituted by Act 9 of 1978, section 4, w.e.f. 1-4-1978.

1. Inserted by Act 9 of 1978, section 4, w.e.f. 23-6-1978.

(1)	(2)	(3)	(4)
4. Refrigerators, air-conditioning plants, component parts of refrigerators or air-conditioning plants.	At the point of the first sale in the Union territory	Per cent 12*	
5. Wireless reception instruments and apparatus, radios and radio gramophones, electrical valves, accumulators, amplifiers and loudspeakers and spare parts and accessories thereof.	do.	12*	
6. Cinematographic equipment including cameras, projectors, sound recording and reproducing equipment, lenses, films and parts and accessories required for use therewith.	do.	12*	
7. Photographic and other cameras and enlargers, lenses, films, plates, paper, cloth and other parts and accessories required for the use therewith.	do.	12*	
8. Binoculars, telescopes and opera glasses	do.	12*	
9. Gramophones and component parts thereof and records.	do.	12*	
10. Dictaphone and other similar apparatus for recording sound and spare parts thereof	do.	12*	
11. Sound transmitting equipments including telephones and loudspeakers and spare parts thereof.	do.	12*	

* Substituted by Regulation 1 of 1975, section 2, w. e. f. 10—1—1975.

(1)	(2)	(3)	(4)
12.	All arms including rifles, revolvers, pistols and ammunition for the same.	At the point of first sale in the Union territory	Per cent 12*
13.	Iron and steel safes and almirahs	do.	12*
14.	Mechanical lighters and cigarette cases	do.	12*
15.	Alcoholic beverages except arrack pattai and toddy.	do.	16†
16.	Arrack pattai	do.	7†
17.	Bullion and specie	do.	$\frac{1}{2}$
18.	Cotton waste	do.	1
19.	Cotton yarn waste	do.	1
20.	Artificial silk yarn and staple fibre yarn	do.	1
21.	Jari	do.	2
22.	1 [Chemical fertilizers, that is to say—	do.	1
	(1) Ammonium Sulphate		
	(2) Ammonium Sulphate Nitrate		
	(3) Urea		
	(4) Ammonium Chloride		
	(5) Sodium Nitrate		
	(6) Calcium Ammonium Nitrate		
	(7) Superphosphate Single		

* Substituted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.

† Substituted by Act 9 of 1978, section 4, w.e.f. 1-4-1978.

1. Substituted by Act 2 of 1978, section 2, w.e.f. 1-4-1966,

(1)	(2)	(3)	(4)
(8)	Superphosphate Triple	At the point of first sale in the Union territory.	Per cent
(9)	Kotka Phosphate		
(10)	Di-Calcium Phosphate		
(11)	Potassium Chloride (Muriate of Potash)		
(12)	Sulphate of Potash		
(13)	Mono-Ammonium Phosphate		
(14)	Di-Ammonium Phosphate		
(15)	Ammonium Phosphate Sulphate of any description		
(16)	Nitrophosphate of any description		
(17)	N. P. K. Complex of various grades		
(18)	Bonemeal		
(19)	Urea Ammonium Phosphate		
(20)	Fused Calcium Magnesium Phosphate		
(21)	Rock Phosphate		
(22)	Potassium Schoenite		
(23)	Zinc Sulphate		
(24)	Any mixture of two or more of the articles mentioned in items (1) to (23) above with or without the addition of other articles		
(25)	Any other 'fertilizer' as defined under sub-clause (d) of clause (2) of the Fertilizer (Control) Order, 1957.]		
23.	Any pen, pencil or pen and pencil set, sold for Rs. 20 or more	do.	2
24.	Precious stones, namely diamonds, emeralds, rubies, real pearls and sapphires whether they are sold loose or as forming part of any article in which they are set	do.	3

(4)	(2)	(3)	(4)
25. Chicory		At the point of first sale in the Union territory	Per cent 3
26. Coffee, that is to say, any one of the forms of coffee such as coffee beans, coffee seeds (raw or roasted), coffee powder, but not including coffee drink.		do.	3
27. Cement		do.	4*
28. Tea, that is to say, any one of the forms of tea in which it is sold but not including tea drink or green tea leaves.		do.	3
29. Bicycles, Tandem cycles and cycle combinations, tyres, tubes and accessories and parts.		do.	3
30. Foamed rubber sheets, cushions, pillows and other like articles.		do.	3
31. All electrical goods, machinery, instruments, apparatus, appliances, accessories and component parts (either sold as a whole or in parts) including fans, lighting bulbs, electrical earthenwares, porcelain and all other instruments, apparatus, appliances, accessories and component parts, the use of which cannot be had except with the application of electrical energy.		do.	4†
1[31-A Dry cells		do.	4]

* Substituted by Regulation 1 of 1975, section 2, w.e.f. 10—1—1975.

† Substituted by Act 27 of 1970, section 2 w. e. f. 25-3-1970.

1. Inserted by Act 9 of 1978, section 4, w.e.f. 25—3—1970.

(1)	(2)	(3)	(4)
32.	Crockery and cutlery including knives, forks and spoons, articles made of glass, China porcelain or glazed earthenwares adopted for domestic use.	At the point of first sale in the Union territory	3
33.	Vacuum flasks of all kinds ¹ [including refills for such vacuum flasks.]	do.	3
34.	Paints, colours and varnish, lithographic printing and duplicating ink.	do.	3
35.	Lubricating oils, all kinds of mineral oils (not otherwise provided in this Act) quenching oil and greases.	do.	3
36.	Camphor	do.	3
37.	Mercury	do.	3
38.	² [(a) Scents and perfumes, scent-spray, eau du cologne, solid cologne, lavender water, scented lotions, astringent lotions, after-shave lotions and creams; and (b) Hair oils, hair creams, hair dyes, hair darkeners, hair tonics, shampoos, hair lotions and other hair preparations like brilliantines, pomades and vaselines; and	do.	5]

1. Inserted by Act 9 of 1978, section 4, w.e.f. 23-6-1978.

2. Substituted by Act 9 of 1978, section 4, w.e.f. 23-6-1978.

(1)	(2)	(3)	(4)
	(c) lipsticks, lip-salve, nail polish, nail brush, nail cutter, beauty boxes, face powder, toilet powder, powder compacts, powder pads and puffs, toilet sets (with or without contents), blemish-removers, cleansing milk, eye-liners, eye-shadow, eyebrow pencils, eyelash brushes, snows, face creams, all purpose creams, cold creams, cleansing creams, make-up creams, vanishing creams, beauty milk, skin foods, skin tonics, complexion rouge, depilatories, toilet sponges and sanitary towels.		
39.	Furs and skins (other than those of cattle, sheep and goats) and article of personal or domestic use made therefrom	At the point of first sale in the Union territory.	Per cent 3
40.	1{** ** **	*	*]
41.	2 [(a) All varieties of tractors and bull-dozers; and	do.	5]

1. Omitted by Act 1 of 1971, section 7, w.e.f. 1-7-1970.

2. Substituted by Act 9 of 1978, section 3, w.e.f. 1-4-1978.

(1)	(2)	(3)	(4)
	(b) Component parts of tractors and bull-dozers, tyres (including pneumatic tyres) and tubes ordinarily used for tractors and bull - dozers (whether or not such tyres and tubes are also used for other vehicles), and articles (excluding batteries) adapted for use generally as parts and accessories of tractors and bull - dozers.		
42.	Plastic sheets and fabrics and articles made therefrom.	At the point of first sale in the Union territory	Per cent 3
43.	Folding umbrellas and parts	do.	3
44.	Musical instruments	do.	3
45.	Wattle bark, Avaram bark, Konnan bark, Wattle extract, Quobracho and Chestnut extract.	At the point of last purchase in the Union territory.	1
46.	Sugarcane	do.	10*
47.	Motor spirit, that is to say, any substance which by itself or in admixture with other substance is ordinarily used directly or indirectly to provide reasonably efficient	At the point of first sale in the Union territory	3

* Substituted by Regulation 7 of 1976, section 2, w.e.f. 15-5-1976.

(1)	(2)	(3)	(4)
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fuel for automotive or stationary internal combustion engines and includes petrol, diesel oil and other internal combustion oil but does not include kerosene, furnace oil, 1 [crude oil,] coal or charcoal.

48.	2 [All vegetable oils	At the point of first sale in the Union territory	Pre cent 2]
49.	3 [Pepper	do.	3]
50.	4 [Kerosene	do.	3
51.	Soaps (including soap flakes, soap powders, detergent powders and liquids and metal polishiuš bars)	do.	3
52.	5 [Furniture (including household furniture) and office equipments of every description (other than those mentioned in serial num- ber 13 made of iron and steel or any other metal or alloy including tubular and uphol- stered furniture and a combination of iron, steel, or any other metal or alloy or wood or other material.]	do.	6
53.	Timber	do.	3
54.	Bricks	do.	4

1. Inserted by Act 9 of 1978, section 4, w.e.f. 7—9—1976.

2. Inserted by Act 6 of 1970, section 2, w.e.f. 9—10—1969.

3. Inserted by Act 1 of 1971, section 7, w.e.f. 23—9—1970.

4. Inserted by Regulation 1 of 1975, section 2, w.e.f. 10—1—1975.

5. Substituted by Act 9 of 1978, section 4, w.e.f. 23—6—1978.

(1)	(2)	(3)	(4)
55.	Articles made of stainless steel	At the point of first sale in the Union territory.	Per cent 3
56.	Pile carpets	do.	6
57.	Ceramic and mosaic tiles, glazed floor and wall tiles	do.	6
58.	Molasses	do.	10]
1[59.	Milk foods including baby milk food and milk powder but excluding fresh milk.	do.	1
60.	Confectionery including chocolates and toffees.	do.	4
61.	Biscuits.	do.	4
62.	Tooth paste, tooth brush and tooth powder.	do.	4
63.	Vegetable products, that is to say any vegetable oil or fat, which, whether by itself or in admixture with any other substance, has by hydrogenation or by any other process been hardened for human consumption.	do.	4
64.	Food preparations of milk, cereals flour, starch which,—	do.	4]
	(a) are tinned, canned, bottled or packed.		
	(b) are sold under any brand name registered under the Trade and Merchandise Marks Act, 1958 (Central Act 4 ^o of 1958); and		

1. Inserted by Act 6 of 1977, section 6, w.e.f. 28—9—1977.

(1)	(2)	(3)	(4)
	(c) do not fall under serial number 59.		
1[65.	(a) Pulses and grams (other than those specified in serial number 8 of the Second Schedule).	At the point of first sale in the Union territory.	3
	(b) Dhals of pulses and grams (whether whole or split) parched and fried pulses and grams, their brokens and flour, which have not suffered tax under sub-item (a) above or under serial number 8 of the Second Schedule.		

1. Inserted by Act 9 of 1978, section 4, w.e.f. 1-4-1978.

THE SECOND SCHEDULE
DECLARED GOODS IN RESPECT OF WHICH SINGLE
POINT TAX IS LEVIABLE

(See sections 4, 22 and 62)

Sl. No.	Description of the goods.	Point of levy.	Rate of tax.
(1)	(2)	(3)	(4)
1.	1[Coal, including coke in all its forms but excluding charcoal	At the point of first sale in the Union territory	Per cent 2
2.	Cotton, that is to say, all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise, but excluding cotton waste	At the point of last purchase in the Union territory	2
3.	Cotton yarn, but excluding cotton yarn waste	At the point of first sale in the Union territory	2
4.	1Iron and steel, that is to say,—	do.	3*
	(a) pig iron and cast iron including ingot moulds, bottom plates, iron scrap, cast iron scrap, runner scrap and iron skull scrap ;		
	(b) steel semis (ingots, slabs, blooms and billets of all qualities, shapes and sizes) ;		
	(c) skelp bars, tin bars, sheet bars, hoe-bars and sleeper bars ;		

1. Substituted by Act 2 of 1974, section 2, w.e.f. 1—4—1973.

* Substituted by Regulation 7 of 1976, section 2, w.e.f. 15—5—1976.

(1)	(2)	(3)	(4)
(d)	steel bars (rounds, rods, squares, flats, octagons and hexagons, plain and ribbed or twisted, in coil form as well as straight lengths) ;	At the point of first sale in the Union territory	Per cent 3
(e)	steel structurals (angles, joists, channels, tees, sheet, piling sections, Z sections or any other rolled sections) ;		
(f)	sheets, hoops, strips and skelp, both black and galvanised, hot and cold rolled, plain and corrugated, in all qualities, in straight lengths and in coil form, as rolled and in riveted condition ;		
(g)	plates both plain and chequered in all qualities ;		
(h)	discs, rings, forgings and steel castings ;		
(i)	tool, alloy and special steels of any of the above categories ;		
(j)	steel melting scrap in all forms including steel skull, turnings and borings ;		
(k)	steel tubes, both welded and seamless, of all diameters and lengths including tube fittings ;		
(l)	tin-plates, both hot dipped and electrolytic and tinfree plates ;		
(m)	fish plate bars, bearing plate bars, crossing sleeper bars, fish plates, bearing plates, crossing sleepers and pressed steel sleepers, rails—heavy and light crane and rails ;		

(1)	(2)	(3)	(4)
(n) wheels, tyres, axles and wheel sets ;	At the point of first sale in the Union territory.	Per cent 3	
(o) wire rods and wires— rolled, drawn, galvanised, aluminised, tinned or coated such as by copper ;			
(p) defectives, rejects, cuttings or end pieces of any of the above categories.]			
5. 1[Jute, that is to say, the fibre extracted from plants belonging to the species <i>Corchorus capsularis</i> and <i>Corchorus olitorius</i> and the fibre known as mesta or bimli extracted from plants of the species <i>Hibiscus cannabinus</i> and <i>Hibiscus Sabdariffa</i> —Var <i>altissima</i> and the fibre known as Sunn or Sunnhemp extracted from plants of the species <i>Crotalaria juncea</i> whether baled or otherwise.]	do.	2	
6.(a)1[Oilseeds, other than groundnut, that is to say,—	do.	do.	
(1) Sesamum or til ;			
(2) Cotton seed ;			
(3) Soyabean ;			
(4) Rapeseed and mustard—			
(i) Toria ;			
(ii) Rai ;			
(iii) Jamba-Taramira ;			

1. Substituted by Act 2 of 1974, section 2, w.e.f. 1—4—1973.

(1)	(2)	(3)	(4)
	(iv) Sarson, yellow and brown ;	At the point of first sale in the Union territory	Per cent 2
	(v) Banarsi Rai or True Mustard ;		
	(5) Linseed ;		
	(6) Castor ;		
	(7) Copra ;		
	(8) Sunflower ;		
	(9) Nigar seed ;		
	(10) Neem, Vepa ;		
	(11) Mahua, illupai, ippe;		
	(12) Karanja, Pongam, Honga ;		
	(13) Kusum;		
	(14) Punna, Undi;		
	(15) Kokum;		
	(16) Sal;		
	(17) Tung;		
	(18) Red palm;		
	(19) Safflower;]		
	(b) 1[** ** ** ** *]		
	(c) Groundnut	At the point of first purchase in the Union territory	1½

1. Deleted by Act 2 of 1974, section 2, w.e.f. 1-4-1973.

(1)	(2)	(3)	(4)
7. (a)	Raw hides and skins	At the point of last purchase in the Union territory	Per cent 2
(b)	Dressed hides and skins (which were not subjected to tax under this Act as raw hides and skins)	At the point of first sale in the Union territory	1
1[8.	Pulses, that is to say,—		
	(i) gram or gulab gram (Cicerarietinum L.);	do.	3]
	(ii) tur or arhar (Cajanus cajan); -		
	(iii) moong or green gram (Phaseolus aureus);		
	(iv) masur or lentil (Lens esculenta Moench, Lens culinaries Medic.);		
	(v) urad or black gram (Phaseolus mungo);		
	(vi) moth (Phaseolus acornitifolius facq);		
	(vii) lakh or khesari (Lathyrus sativus L.)		
2[9.	Crude oil, that is to say crude petroleum oils and crude oils obtained from bituminous minerals (such as shale, calcareous rock, sand), whatever their composition, whether obtained from	do.	3]

1. Inserted by Act 9 of 1978, section 5, w.e.f. 1—4—1978.

2. Inserted by Act 9 of 1978, section 5, w.e.f. 7—9—1976.

(1)

(2)

(3)

(4)

normal or condensation oil-deposits or by the destructive distillation of bituminous minerals and whether or not subjected to all or any of the following processes:—

- (1) decantation;
- (2) de-salting;
- (3) dehydration;
- (4) stabilisation in order to normalise the vapour pressure;
- (5) elimination of very light fractions with a view to returning them to the oil-deposits in order to improve the drainage and maintain the pressure;
- (6) the addition of only those hydrocarbons previously recovered by physical methods during the course of the above mentioned processes;
- (7) any other minor process (including addition of pour point depressants or flow improvers) which does not change the essential character of the substance.

THE THIRD SCHEDULE

GOODS EXEMPTED FROM TAX

DESCRIPTION OF GOODS

(See sections 9 and 62)

1. All cereals ¹ [^{**} ^{**}] including all forms of rice.
2. Flour including atta, maida, suji and bran (except when sold in sealed containers).
3. ² [Bread]
4. Meat (except when sold in sealed containers).
5. Fish (except when sold in sealed containers).
6. Fresh eggs.
7. Livestock including poultry.
8. Vegetables, green or dried (excluding dehydrated vegetables) and vegetable seeds and plants (other than medical preparations) (except when sold in sealed containers).
9. Fresh fruits.

1. The words "and pulses" omitted by Act 27 of 1970, section 2, w.e.f. 25-3-1970.

2. Inserted by Act 6 of 1977, section 7, w.e.f. 28-9-1977.

10. Salt.
11. Fresh milk, whole or separated.
12. 1 [** **]
13. 2 [** **]
14. 3 [Dahi, butter, buttermilk and khoa].
15. Handmade paper
16. All books and periodicals.
17. 4 [** **]
18. Firewood 5 [** **]
19. 6 [Crow bars, Spades, Tillers, Harrows and ploughs used for agricultural purposes.]
20. Safety matches.
21. Cattle feeds including fodder (excluding cotton seeds and oil cakes) and poultry feed.
22. Electrical energy.

-
1. The words "Edible Oil" omitted by Act 6 of 1970, section 3, w.e.f. 9-10-1969.
 2. The words "Ghee and vegetable ghee" omitted by Act 27 of 1970, section 2 w.e.f. 25-3-1970.
 3. Substituted by Act 6 of 1977, section 7, w.e.f. 28-9-1977.
 4. Omitted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.
 5. Omitted by Act 13 of 1971, section 4, w.e.f. 1-11-1970.
 6. Substituted by Act 1 of 1971, section 8, w.e.f. 12-5-1970.

23. Water but not aerated water or mineral water, or water sold in bottles or sealed containers.
24. Raw wool.
25. Tobacco and all its products.
26. (i) Country made shoes (Juties)
(ii) Hand made utensils
(iii) Cane and bamboo handicrafts
(iv) Earthenwares made by Kumbhars

When manufactured—

- (i) without the use of power, and
 - (ii) at a place other than a factory as defined in the Factories Act, 1948 and sold either by the maker himself or by any member of his family or by a co-operative society consisting wholly of the makers of such articles.
27. Pickles and Murraba except when sold in sealed containers.
 28. Charkha, takli and charkha accessories.
 29. Slate, slate pencils, takhties, black ink used for takhties, writing chalks, crayons, foot-rules of the type used in schools, Kalam (pens used for takhties) sold for less than Rs. 20.

30. Betel leaves, kat and edible lime.
31. All varieties of textiles (other than durries, carpets, druggets and pure silk cloth) made wholly or partly of cotton, staple fibre, rayon, artificial silk or wool including handkerchiefs, towels, napkins, dusters, cotton velvets and velveteen, tapes, niwars and laces and hosiery cloth in lengths.
32. Bardana including hessian cloth, iron strips and wooden and tin packing, the sale of which is incidental to dealings in any of the other goods mentioned in this Schedule.
33. ¹ [Turmeric], coriander, ajwan, sombu and garlic, whole or powdered, except when sold in sealed containers.
34. Coconut in shell and separated kernel of coconut other than copra.
35. Dried fruits, dried vegetables, pickles, sauces, jams, marmalades, jellies, preserved fruits and honey when sold in containers of weight not exceeding five kilograms in each container.
36. Films certified by the Central Board of Film Censors to be predominantly educational in nature.

1. Substituted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.

37. Flowers (excluding artificial flowers).
38. Flower, fruits and vegetable seeds, seeds of lucerne and other fodder grass, seeds of sannhem, bulbs, crows, rhizomes, suckers and tubers, budgrafts, cuttings, layers and seedlings, plants.
39. Plantain leaves.
40. Handloom fabrics of all varieties (excluding pile carpets, braids borders, laces and trimmings).
41. Khadi and ready-made garments and other articles prepared from khadi.

Explanation.—For the purpose of this entry Khadi means any cloth woven on handloom in India from cotton, silk or woollen yarn hand-spun in India or from the mixture of any two or all such yarns. ,

42. ¹[Products of Village Industries as defined in the Khadi and Village Industries Commission Act, 1956, provided the sales are effected by any person or institutions recognised and certified by the Khadi and Village Industries Commission, Bombay or by the Khadi and Village Industries Board, Pondicherry/Tamil Nadu.]

1. Substituted by Act 13 of 1971, section 4, w.e.f. 26—12—1970.

43. (i) Handloom and parts thereof.

(ii) The following handloom accessories
namely :—

(a) Rach

(b) Fani

(c) Cotton healds

(d) Shuttles

(e) Bobbins

(f) Pins

(g) Pickers

(iii) The following handloom auxiliary
machines, namely :—

(a) Warping frames worked by hand.

(b) Sectional drum type warping machine
worked by hand and V-shaped creel
used therewith.

(iv) The following attachment to handloom
namely :—

Wooden dobbies.

44. Kumkum (including liquid Kumkum)

45. Bangles of price not exceeding rupee one
per pair.

46. Silkworm eggs and silkworm cocoons
47. Government stamp-papers and Government stamps.
48. 1[Fishing nets and fishing hooks.]
49. Sugar including jaggery and gur.
50. Handspun yarn.
51. 2[** ** **]
52. 2[** ** **]
53. Toddy.

1. Substituted by Act 1 of 1971, section 8, w.e.f. 12-5-1970.

2. Omitted by Regulation 1 of 1975, section 2, w.e.f. 10-1-1975.