



The Tamil Nadu General Sales Tax (Emergency Provisions) Act, 1958

Act 2 of 1958

Keyword(s):

Additional Duty of Excise, Mill Cloth

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[TAMIL NADU] ACT No. II OF 1958².

[THE ¹[TAMIL NADU] GENERAL SALES TAX (EMERGENCY PROVISIONS) ACT, 1958.]

[Received the assent of the Governor on the 21st March 1958 ; first published in the Fort St. George Gazette Extraordinary, on the 22nd March 1958 (Chaitra 1, 1880).]

An Act to make certain emergency provisions in regard to sales tax.

WHEREAS it is expedient to make certain emergency provisions in regard to sales tax ;

BE it enacted in the Ninth Year of the Republic of India as follows :—

Short title and Commencement.

1. This Act may be called the "¹[Tamil Nadu] General Sales Tax (Emergency Provisions) Act, 1958."

(2) Section 9 shall come into force on the 1st April 1958 ; and the rest of this Act shall come into force at once.

Definitions,

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

(a) "additional duty of excise" means the duty of excise payable under the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (Central Act 58 of 1957).

(b) "mill cloth" means cloth (except cloth made of pure silk or staple fibre) specified as items (i) and (ii) in, and liable to sales tax under, sub-section (2) of section 3 of the Madras General Sales Tax Act, 1939* (Madras Act IX of 1939) (hereinafter called the 1939 Act), or liable to sales tax under section 3 of the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954 (Madras Act XLI of 1954) (hereinafter called the 1954 Act).

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 15th February 1958, Part V-A, page 49.

* The Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) has since been repealed by the Tamil Nadu General Sales Tax Act, 1959 (Tamil Nadu Act 1 of 1959).

3. (1) Notwithstanding anything contained in the 1939 Act and in the 1954 Act, any dealer, liable to pay sales tax in respect of mill cloth or sugar under the provisions of sub-section (2) of section 3 of the 1939 Act or of section 3 of the 1954 Act, who under sub-section (1) or sub-section (2) of section 3 of the Madras General Sales Tax (Emergency Provisions) Ordinance, 1957 (Madras Ordinance No. IV of 1957) (hereinafter in this Act referred to as the said section 3), has within the time specified in the said section 3, made an application to the officer having jurisdiction to assess him to sales tax and has, along with such application, submitted the return referred to in sub-section (3) of the said section 3, may be permitted by such officer to compound the sales tax payable in respect of those goods—

Compounding
of sales tax on
mill cloth and
sugar.

(a) in the possession of the dealer on the 13th December 1957, if the application was made under sub-section (1) of the said section 3 ; and

(b) received by the dealer on or after the 13th December 1957, but before the 13th January 1958, if the application was made under sub-section (2) of the said section 3,

by paying in lieu thereof a sum equivalent to the additional duty of excise which would have been payable on those goods had such mill cloth or sugar remained with the producer or manufacturer.

(2) On being permitted to compound the sales tax, the amount so compounded shall be collected in accordance with the provisions of the 1939 Act and the rules made thereunder.

(3) If at any stage it appears to the assessing officer that the dealer, by not submitting a return or by submitting a false or incorrect return of the mill cloth or sugar on which additional duty of excise has not been paid, has paid a lesser sum under sub-section (1) or sub-section (2) of the said section 3 or under sub-section (1) of this section, than would otherwise be payable, the assessing officer may assess the dealer in respect of the sales tax evaded according to the best of his judgment.

Penalty. 4. Any dealer who has wilfully submitted an incorrect or false return under sub-section (3) of the said section 3 shall be liable to fine which may extend to one thousand rupees.

Effect of Madras Act IX of 1939. 5. The provisions of this Act shall be in addition to the provisions of the 1939 Act and that Act shall apply in all respects to proceedings under this Act.

Removal of doubts. 6. (1) For the removal of doubts, it is hereby declared that the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Madras Act IV of 1953) (hereinafter in this section and in section 7 referred to as the said Act), shall be deemed never to have been repealed, shall continue in force, and shall be deemed always to have continued in force.

(2) Anything done or any action taken (including any rule or order made, notification issued, decision, award or direction given, proceeding taken, liability or penalty incurred and punishment awarded) under the provisions of the said Act shall continue in force and shall be deemed always to have continued in force:

Provided that nothing contained in this section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of the said Act on or after the 13th December 1957 and before the 19th December 1957.

Exemption. 7. Notwithstanding anything contained in the said Act, any dealer liable to tax in respect of any goods under that Act shall be entitled to be exempted from payment of such tax if he proves to the satisfaction of the officer assessing him to tax under the said Act that the additional duty of excise has been paid in respect of those goods.

Repeal of certain Ordinances. 8. The Madras General Sales Tax (Emergency Provisions) Ordinance, 1957 (Madras Ordinance No. IV of 1957) and the Madras Tobacco (Taxation of Sales and Registration) (Special Provisions) Ordinance, 1957 (Madras Ordinance No. IV of 1957), are hereby repealed.

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9 (1) Notwithstanding anything contained in section 6, Repeal of the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Madras Act IV of 1953) and the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954 (Madras Act XLI of 1954), are hereby repealed.

(2) Notwithstanding such repeal, all taxes, fines and other sums which became payable under either of the Acts repealed by sub-section (1) immediately before the 1st April 1958 may be recovered as if this section had not been enacted.