



**The West Bengal State Tax on Professions, Trades, Callings and Employments  
Act, 1979**

Act 6 of 1979

**Keyword(s):**

Bureau, Employee, Employer, Person, Profession Tax, Salary

**Amendment appended: 8 of 1983**

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## West Bengal Act VI of 1979<sup>1</sup>

### THE WEST BENGAL STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS ACT, 1979.

AMENDED .. .. .

West Ben. Act IX of 1981.  
West Ben. Act VIII of 1983.  
West Ben. Act IV of 1984.  
West Ben. Act V of 1985.  
West Ben. Act III of 1989.  
West Ben. Act XII of 1989.  
West Ben. Act XXI of 1989.  
West Ben. Act VI of 1990.  
West Ben. Act VIII of 1990.  
West Ben. Act VI of 1991.  
West Ben. Act VII of 1991.  
West Ben. Act I of 1992.  
West Ben. Act XVI of 1994.  
West Ben. Act XXIX of 1994.  
West Ben. Act III of 1995.  
West Ben. Act XI of 1995.  
West Ben. Act X of 1996.  
West Ben. Act XXIII of 1997.  
West Ben. Act III of 1999.  
West Ben. Act III of 2000.  
West Ben. Act XVI of 2001.  
West Ben. Act XVIII of 2001.  
West Ben. Act I of 2002.

[31st March, 1979.]

*An Act to provide for the levy and collection of tax on professions, trades, callings and employments for raising additional resources for the benefit of the State and for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for the levy and collection of tax on professions, trades, callings and employments for raising additional resources for the benefit of the State and for matters connected therewith or incidental thereto;

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<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 5th March, 1979, page 466; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 17th March, 1979.

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[West Ben. Act

(Sections 1, 2.)

It is hereby enacted in the Thirtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979.

(2) It extends to the whole of West Bengal.

(3) It shall come into force, and shall always be deemed to have come into force, on the 1st April, 1979.

Definitions.

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

'(a) "Bureau" means the Bureau of Investigation referred to in section 7 of the West Bengal Sales Tax Act, 1994;

'(aa) "Commissioner" means the Commissioner of Profession Tax appointed under section 12;

(b) "employee" means a person employed on salary or wages, and includes—

(i) a Government servant receiving pay from the revenues of the Central Government or any State Government or the Railway Fund;

(ii) a person in the service of a body, whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where the body operates in any part of the State, even though its headquarters may be outside the State;

(iii) a person engaged in any employment of an employer, not covered by items (i) and (ii) above;

(c) "employer", in relation to an employee earning any salary or wages on regular basis under him, means the person or the officer who is responsible for disbursement of such salary or wages, and includes the head of the office or any establishment as well as the manager or agent of the employer;

(d) "month" means a month reckoned according to the English calendar;

(e) "notification" means a notification published in the *Official Gazette*;

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Act XLIX of  
1994.

<sup>1</sup>Clauses (a) and (aa) were substituted for clause (a) by s. 8(i) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

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(Section 3.)

- (f) "person" means any person who is engaged in any profession, trade, calling or employment in West Bengal, and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club or association, so engaged, but does not include any person who earns wages on a casual basis;

<sup>1</sup>*Explanation.*—The expression "person who earns wages on casual basis" shall mean a person who earns wages on being employed for a period not exceeding 180 days in a year.

- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "prescribed authority" means the authority that may be appointed by the State Government by notification for any of the purposes of this Act;
- (i) "profession tax" means the tax on professions, trades, callings and employments levied under this Act;
- (j) "salary" or "wage" includes pay, dearness allowance and all other remunerations received by any person on regular basis, whether payable in cash or in kind, and also includes perquisites, and profits in lieu of salary, as defined in section 17 of the Income-tax Act, 1961;

43 of 1961.

<sup>2</sup>*Explanation.*—For the purposes of this clause or clause (c), the expression "on regular basis" shall mean for a period exceeding 180 days in a year.

- (k) "tax" means the profession tax;
- (l) "year" means a financial year.

3. (1) Subject to the provisions of article 276 of the Constitution of India, there shall be levied and collected a tax on professions, trades, callings and employments, in accordance with the provisions of this Act.

Levy and  
charge of  
tax.

(2) Every person engaged in any profession, trade, calling or employment and falling under one or the other of the classes mentioned in the second column of the Schedule shall be liable to pay to the State Government tax at the rate mentioned against the class of such persons in the third column of the said Schedule:

<sup>1</sup>The *Explanation* was added by s. 7(1)(i) of the West Bengal Finance Act, 1999 (West Ben. Act III of 1999).

<sup>2</sup>The *Explanation* was added by s. 7(1)(ii), *ibid.*

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(Sections 4, 5.)

Provided that entry <sup>1</sup>[23] in the Schedule shall apply only to such classes of persons as may be specified by the State Government by notification from time to time.

Employers' liability to deduct and pay tax on behalf of employees.

4. The tax payable under this Act by any person earning a salary or wage shall be deducted by his employer from the salary or wage payable to such person, before such salary or wage is paid to him, and such employer shall, irrespective of whether such deduction has been made or not when the salary or wage is paid to such persons, be liable to pay tax on behalf of all such persons:

Provided that if the employer is an officer of Government, the State Government may, notwithstanding anything contained in this Act, prescribe by rules the manner in which the employer shall discharge the said liability:

Provided further that where any person earning a salary or wage—

- (a) is also covered by one or more entries other than entry 1 in the Schedule and <sup>2</sup>[the rate of tax under such entry or any of such entries is higher than that in entry 1, or]
- (b) is simultaneously engaged in employment of more than one employer,

and such person furnishes to his employer or employers a certificate in the prescribed form declaring, *inter alia*, that he shall obtain a certificate of enrolment under sub-section (2) of section 5 and pay the tax himself, then the employer or employers of such person shall not deduct the tax from the salary or wage payable to such person and such employer or employers, as the case may be, shall not be liable to pay tax on behalf of such person.

Registration and enrolment.

5. (1) Every employer (not being an officer of Government) liable to pay tax under section 4 shall obtain a certificate of registration from the prescribed authority in the prescribed manner.

(2) Every person liable to pay tax under this Act (other than a person earning salary or wages, in respect of whom the tax is payable by his employer), shall obtain a certificate of enrolment from the prescribed authority in the prescribed manner.

<sup>1</sup>The figures within the square brackets were substituted for the figures "21" by s. 6(1) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000). Prior to this substitution the figures "21" were substituted for the figures "19" by s. 4(1) of the West Bengal Taxation Laws (Amendment) Act, 1989 (West Ben. Act III of 1989).

<sup>2</sup>The words and figure within the square brackets were substituted for the words "the rate of tax under said entry, or" by s. 6(1) of the West Bengal Taxation Laws (Second Amendment) Act, 1994 (West Ben. Act XXIX of 1994).

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*(Section 5.)*

(3) Notwithstanding anything contained in this section and section 4, where a person is a citizen of India and is in employment of any diplomatic or consular office or trade commissioner of any foreign country situated in any part of West Bengal, such person, if liable to pay tax, shall obtain a certificate of enrolment as provided in sub-section (2) and pay the tax himself.

<sup>1</sup>(4) (a) Every employer required to obtain a certificate of registration shall, within ninety days of his becoming liable to pay tax, apply for a certificate of registration to the prescribed authority in the prescribed form, and the prescribed authority shall, after making such enquiry as may be necessary, within thirty days of the receipt of the application, grant him such certificate, if the application is in order.

(b) Every person referred to in sub-section (2) or sub-section (3) shall, within ninety days of his becoming liable to pay tax, pay into the Government Treasury or the Reserve Bank of India, <sup>2</sup>[Kolkata], the tax payable by him under this Act and apply for a certificate of enrolment to the prescribed authority in the prescribed form along with a receipted copy of the challan as a proof of payment of such tax.

(c) The prescribed authority, within thirty days of the receipt of the application referred to in clause (b), shall, grant the person a certificate of enrolment in the prescribed manner.

<sup>3</sup>(d) The prescribed authority may, from time to time, amend any certificate of registration or certificate of enrolment in accordance with the information furnished under section 5A or section 5B, or information received otherwise, and such amendment may be made by the prescribed authority in such manner, as may be prescribed.

(5) The prescribed authority shall mention in every certificate of registration or enrolment the amount of tax payable by the holder according to the Schedule, and the date by which it shall be paid, and such certificate shall serve as a notice of demand for purposes of section 10.

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<sup>1</sup>Sub-section (4) was substituted for the original by s. 7(1)(a) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996).

<sup>2</sup>The word within the square brackets was substituted for the word "Calcutta" by s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001), w.e.f. the 1st January, 2001.

<sup>3</sup>Clause(d) was substituted for the previous clause(d) by s. 4(1)(a) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

(Section 5A.)

(6) Where an employer or a person liable to registration or enrolment wilfully fails to apply for such certificate within the required time as provided for in sub-section (4) the prescribed authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty not exceeding <sup>1</sup>[rupees twenty for each English calendar month] of delay in case of an employer and not exceeding <sup>2</sup>[rupees ten for each English calendar month] of delay in the case of others.

(7) Where an employer or a person liable to registration or enrolment has deliberately given false information in any application submitted under this section, the prescribed authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty not exceeding rupees one thousand.

<sup>3</sup>(8) The prescribed authority shall, after making such enquiry as it may deem necessary and after giving the employer or the person, as the case may be, an opportunity of being heard, fix the date on and from which such employer or person shall become liable to pay tax under this Act.

Information to be furnished by the registered employers regarding changes in respect of profession, trade, calling or employment.

<sup>4</sup>5A. (1) If any employer registered under this Act,—

- (a) sells or otherwise disposes of his trade or business or any part of his trade or business or effects or comes to know of any other change in the ownership of his trade or business, or
- (b) changes the name or nature of his profession, trade or business, or
- (c) in the case of a company, effects any change in the constitution of its board of directors, or
- (d) discontinues his profession, trade or business or changes his place of work or opens a new place of work,

he shall, within thirty days from the date of such sale, disposal, change, or discontinuance, referred to in clause (a), clause (b), clause (c), or clause (d), inform the prescribed authority in an application furnishing necessary particulars together with the copy of the certificate of registration and if such employer dies, his legal representative, shall, in the like manner, inform the said authority.

(2) If the prescribed authority, after making such enquiry as he deems fit and proper, is satisfied that the contents of the application are in order, he shall, by an order in writing, amend the certificate of registration accordingly or cancel the certificate of registration, as the case may be.

<sup>1</sup>The words within the square brackets were substituted for the words "rupees twenty for each day" by s. 11(1)(a) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992).

<sup>2</sup>The words within the square brackets were substituted for the words "rupees five for each day" by s. 11(1)(b), *ibid.*

<sup>3</sup>Sub-section (8) was inserted by s. 4(1)(b) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

<sup>4</sup>Section 5A was inserted by s. 6(2) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

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(Sections 5B, 6.)

<sup>1</sup>(3) The provisions of sub-section (1) and sub-section (2) shall also apply *mutatis mutandis* in case of an enrolled person holding certificate of enrolment.

<sup>2</sup>5B. <sup>3</sup>(1) Where the ownership of the trade or business of a registered employer is transferred absolutely by sale, gift, bequest, inheritance or otherwise, or is transferred by way of lease, and the transferee or the lessee, as the case may be, carries on such trade or business, either in its old name or in some other name, the transferee or the lessee, as the case may be, shall, for all the purposes of this Act (except for the liabilities under this Act already discharged by such employer), be deemed to be registered and shall be deemed always to have been registered (in the case of a lease for so long as the lease subsists), as if the certificate of registration of such employer had initially been granted to the transferee or the lessee, as the case may be, and the transferee or lessee, as the case may be, shall make an application to the prescribed authority, <sup>4</sup>[within thirty days from the date of transfer] furnishing necessary particulars along with the certificate of registration for amendment and if the said authority is satisfied that the application is in order, he shall amend the certificate of registration accordingly.

Transfer of  
trade or  
business.

<sup>5</sup>(2) The provisions of sub-section (1) shall also apply *mutatis mutandis* in case of an enrolled person holding certificate of enrolment.

6. (1) Every employer registered under this Act shall furnish to the prescribed authority a return in such form, for such periods and by such dates as may be prescribed showing therein the salaries and wages paid by him and the amount of tax deducted by him in respect thereof.

Returns.

<sup>6</sup>(2) Before any employer registered under this Act furnishes a return required by sub-section (1), he shall, in the prescribed manner, pay into a Government Treasury or the Reserve Bank of India the full amount of tax due from him under this Act according to such return, and shall furnish along with such return a receipt from the Government Treasury or the Reserve Bank of India showing the payment of such amount:

Provided that a registered employer shall, subject to such conditions as may be prescribed, pay in the prescribed manner the tax payable under this Act for any prescribed part of the period for which a return is required to be furnished under sub-section (1) by such date as may be prescribed after the expiry of the prescribed part of the period as aforesaid.

<sup>1</sup>Sub-section (3) was inserted by s. 4(2) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

<sup>2</sup>Section 5B was inserted by s. 6(2) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

<sup>3</sup>Section 5B was renumbered as sub-section (1) of that section by s. 4(3) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

<sup>4</sup>The words within the square brackets were inserted by s. 4(3)(a), *ibid.*

<sup>5</sup>Sub-section (2) was inserted by s. 4(3)(b), *ibid.*

<sup>6</sup>Sub-section (2) was substituted for the original by s. 6(3) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).



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(Section 7.)

(3) Where an employer, without reasonable cause, fails to file such return within the prescribed time, the prescribed authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty not exceeding <sup>1</sup>[rupees ten for each English calendar month] of delay.

Assessment  
of  
employers.

7. (1) If the prescribed authority is satisfied that the return filed by any employer is correct and complete, it shall accept the return.

(2) (a) If the prescribed authority is not satisfied that the return filed is correct and complete, it shall serve upon the employer a notice requiring him, on a date specified in the notice, to attend in person, or through an authorised representative and to produce accounts and papers in support of the return.

(b) The prescribed authority shall, on examination of the accounts and papers, assess the amount of tax payable by the employer.

(c) If the employer fails to comply with the terms of the notice, or if in the opinion of the prescribed authority the accounts and papers are incorrect or incomplete or unreliable such authority shall, after such inquiry as it deems fit or otherwise, assess the tax to the best of its judgement.

(3) The amount of tax due from any employer shall be assessed separately for each year during which he is liable to pay tax:

Provided that the prescribed authority may, subject to such conditions as may be prescribed and for reasons to be recorded in writing, assess the tax due from any employer during any part of a year:

Provided further that were a registered employer fails to furnish a return for any part of a year, the prescribed authority may, if it thinks fit, assess the tax due from such employer separately for different part of such year.

(4) If an employer fails to get himself registered or being registered fails to file any return, the prescribed authority shall, after giving the employer a reasonable opportunity of being heard and after holding such inquiry as it deems fit or otherwise, pass an order assessing the amount of tax due to the best of its judgement.

<sup>2</sup>(4a) No assessment under sub-section (2), sub-section (3) or sub-section (4) shall be made after the expiry of <sup>3</sup>[six] years from the end of the year in respect of which or part of which the assessment is made:

<sup>1</sup>The words within the square brackets were substituted for the words "rupees five for each day" by s. 11(2) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992).

<sup>2</sup>Sub-section (4a) was inserted by s. 7(1)(a) of the West Bengal Finance Act, 1994 (West Ben. Act XVI of 1994).

<sup>3</sup>The word within the square brackets was substituted for the word "four" by s. 3(1)(a) of the West Bengal Taxation Laws (Amendment) Act, 1997 (West Ben. Act XXIII of 1997).

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<sup>1</sup>Provided that any assessment in respect of any of the years or parts of years ending on or before the 31st day of March, 2000, shall, notwithstanding the provisions of this sub-section, be made on or before the 31st day of March, 2006:

Provided further that the period during which the prescribed authority is restrained from commencing or continuing any proceeding for any assessment as aforesaid by an order of the West Bengal Taxation Tribunal established under section 3 of the West Bengal Taxation Tribunal Act, 1987 <sup>2</sup>[, the High Court or the Supreme Court] of India shall be excluded in computing the time limited by this sub-section:

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Act VIII of  
1987.

Provided also that when a fresh assessment is required to be made in pursuance of an order under sub-section (7), or sub-section (8), of this section or section 14, or in pursuance of any other order of the Supreme Court of India <sup>3</sup>[, the High Court] or the West Bengal Taxation Tribunal, such fresh assessment shall be made at any time within <sup>4</sup>[six] years from the date of such order.

(5) The amount of tax so assessed shall be paid within fifteen days of receipt of the notice of demand from the prescribed authority.

<sup>5</sup>(6) Notwithstanding anything contained in sub-section (2) <sup>6</sup>[of this section or sub-section (1) of section 7A], where—

- (a) an employer registered under this Act has furnished all the returns in respect of any year in accordance with the provisions of sub-section (2) of section 6, or has produced, on demand, for inspection by the prescribed authority <sup>7</sup>\* \* \* \* \* such corroborative evidence as may prove furnishing of such returns by such employer and payment of the tax made according to such returns,

<sup>1</sup>This proviso was substituted for the original proviso by s. 8(2)(a) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001). Prior to this substitution following change occurred in the original proviso, namely:—

(i) the words, letters and figures "the 31st day of March, 2002:" were substituted for the words, letters and figures "the 31st day of March, 1998:" by s. 3(1)(b) of the West Bengal Taxation Laws (Amendment) Act, 1997 (West Ben. Act XXIII of 1997).

<sup>2</sup>The words within the square brackets were substituted for the words ", or the Supreme Court" by s. 3(1)(c), *ibid.*

<sup>3</sup>The words within the square brackets were inserted by s. 3(1)(d)(i), *ibid.*

<sup>4</sup>The words within the square brackets was substituted for the word "four" by s. 3(1)(d)(ii), *ibid.*

<sup>5</sup>Sub-sections (6), (6A), (6B) and (6C) were substituted for sub-section (6) by s. 3(2) of the West Bengal Taxation Laws (Amendment) Act, 1997 (West Ben. Act XXIII of 1997). Prior to this substitution sub-section (6) was inserted by s. 10 of the West Bengal Taxation Laws (Second Amendment) Act, 1990 (West Ben. Act VIII of 1990) which was again substituted by s. 7(1)(b) of the West Bengal Finance Act, 1994 (West Ben. Act XVI of 1994).

<sup>6</sup>The words, figures, letter and brackets within the square brackets were inserted by s. 8(2)(b)(i) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

<sup>7</sup>The words, figures and letters "by the 1st day of March, 1998" were omitted by s. 8(2)(b)(ii), *ibid.*

## (Section 7.)

- (b) the assessment of tax of a registered employer in respect of the year referred to in clause (a) has not been made under sub-section (2) or has not been deemed to have been made under any provision of this section <sup>1</sup>\* \* \* \* \*, and
- (c) no accounts, registers or other documents referred to in sub-section (2) of section 17 of such registered employer have been seized under sub-section (3) of that section,

the assessment of tax payable by such registered employer in respect of all such years ending on or before <sup>2</sup>[the 31st day of March, 2000], shall be deemed to have been made on <sup>3</sup>[the 31st day of December, 2001], by the prescribed authority as per returns furnished:

Provided that where a fresh assessment is required to be made in pursuance of any order passed by any Court, Tribunal, Board or any other authority under this Act, provision of this sub-section shall not apply in respect of such assessment.

<sup>4</sup>(6A) Where assessment of a registered employer for any year is deemed to have been made under sub-section (6), such registered employer shall check up whether the tax payable by him for such years has been duly paid, and if he finds that there is short payment of tax, he shall pay the balance amount of tax which is found to be payable by him under this Act and furnish <sup>5</sup>[by the 30th day of June, 2002], or by such date as the State Government may, by notification published in the *Official Gazette*, specify, notwithstanding anything contained in sub-section (2) of section 6, a revised return for such year accompanied by a receipted challan from a Government Treasury showing payment of the balance amount.

<sup>6</sup>(6B) Where it appears to the prescribed authority that—

- (a) (i) a registered employer has, while furnishing return or returns under section 6 for any year or part thereof, paid the amount of tax less than what was payable by him under this Act,
- (ii) assessment of tax payable by a registered employer has been deemed to have been made under sub-section (6) as per return or returns furnished by him in respect of such year or part thereof, and

<sup>1</sup>The words, figures and brackets "before the coming into force of the West Bengal Taxation Laws (Amendment) Act, 1997" were omitted by s. 8(2)(b)(iii) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

<sup>2</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "the 31st day of March, 1996" by s. 8(2)(b)(iv), *ibid.*

<sup>3</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "the 31st day of March, 1998" by s. 8(2)(b)(v), *ibid.*

<sup>4</sup>See foot-note 5 on page 45, *ante.*

<sup>5</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "by the 30th day of September, 1998" by s. 8(2)(c) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

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- (iii) such employer has not furnished revised return for such year or part thereof accompanied by a receipted challan from a Government Treasury showing payment of the balance amount of tax due from him under sub-section (6A) on or before the date specified therein, or
- (b) a registered employer has furnished revised return in respect of a year or part thereof in accordance with the provisions of sub-section (6A) and the prescribed authority has reasons to believe on information or otherwise that such registered employer has concealed any salaries or wages paid by him or has furnished incorrect particulars of salaries or wages in the return furnished under section 6, or has, while furnishing revised return under sub-section (6A) paid the amount of tax less than what was payable by him under this Act in respect of such year or part thereof,

the prescribed authority shall proceed to make a fresh assessment of the amount of tax due from such employer in respect of such year or part thereof in the prescribed manner, and in making such assessment, the prescribed authority shall give a reasonable opportunity to such employer of being heard, and if the prescribed authority is satisfied, it shall assess the amount of tax due from such employer in respect of such year or part thereof to the best of its judgement; and, in the case of failure by such employer to furnish under sub-section (6A) the revised return accompanied by a receipted challan showing payment of tax by the date specified in that sub-section, the prescribed authority, after giving such employer a reasonable opportunity of being heard, shall, in addition to the amount of tax assessed, impose a penalty not less than the amount equal to, but not exceeding thrice, the amount of tax assessed:

Provided that the prescribed authority shall not proceed to make fresh assessment under this sub-section unless, after such enquiry as it may consider necessary, it records in writing the reason to proceed for making such fresh assessment:

Provided further that no fresh assessment in respect of any registered employer shall be made under this sub-section after the expiry of six years from the date on which the assessment of tax payable by him is deemed to have been made under sub-section (6).

<sup>1</sup>(6C) The amount of tax so assessed under sub-section (6B) together with the amount of penalty, if any, imposed under that sub-section shall be paid by the registered employer ordinarily within fifteen days of receipt of such notice of demand as may be prescribed from the prescribed authority.

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<sup>1</sup>See foot-note 5 on page 45, *ante*.

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\* \* \* \* \*

<sup>1</sup>(8) If any registered employer applies on or before <sup>2</sup>[the 31st day of December, 2002], for revision of any assessment made under sub-section (6) in respect of any year on the ground that due to his error in fact or in law excess tax has been paid by him for such year and if the prescribed authority is prima facie satisfied about the ground, he may reopen such assessment and make a fresh assessment under sub-section (2).

<sup>3</sup>(9) The provisions of appeal, revision and rectification of mistakes under section 14 shall apply to an assessment deemed to have been made under sub-section (6) as if such assessment has been made by the prescribed authority on the date on which such assessment is deemed to have been made.

Assessment  
in selective  
cases on the  
basis of  
random  
selection.

<sup>4</sup>7A. (1) If returns are furnished together with receipts showing payment of tax under section 6 by the registered employers in respect of all the periods of a year and if it appears to the Commissioner from the returns furnished by each of such employers that the amount of tax paid by each of such employers for such year does not exceed three thousand rupees, such employers shall form a class and shall, notwithstanding anything contained in section 7, be eligible for selection for assessment of tax under sub-section (2) of that section on a random basis:

Provided that the provisions of this sub-section shall not apply to any registered employer, if any accounts, registers or documents have been seized under section 17 from him during the period of three years immediately preceding the year of such selection.

(2) If it appears to the Commissioner that the amount of tax paid by each of such employers of the class referred to in sub-section (1) for all the periods of a year does not exceed three thousand rupees and each of them is eligible for selection, the Commissioner may select, on a random basis and in such manner, and within such time, as may be prescribed, such percentage of such employers as may be prescribed for assessment of the tax due from each of such employers for all the periods of a year under sub-section (2) of section 7.

<sup>1</sup>Sub-section (7) was first inserted by s. 10 of the West Bengal Taxation Laws (Second Amendment) Act, 1990 (West Ben. Act VIII of 1990). Then sub-sections (7) and (8) were substituted for the previous sub-section (7) by s. 7(1)(c) of the West Bengal Finance Act, 1994 (West Ben. Act XVI of 1994). Finally, sub-section (7) was omitted by s. 3(3) of the West Bengal Taxation Laws (Amendment) Act, 1997 (West Ben. Act XXIII of 1997).

<sup>2</sup>The words, letters and figures within the square brackets were substituted for the words, letters and figures "the 31st day of March, 1999," by s. 8(2)(d) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001). Prior to this substitution the words, letters and figures "the 31st day of March, 1999," were substituted for the words, letters and figures "the 30th day of June, 1995," by s. 3(4) of the West Bengal Taxation Laws (Amendment) Act, 1997 (West Ben. Act XXIII of 1997).

<sup>3</sup>Sub-section (9) was inserted by s. 3(5), *ibid.*

<sup>4</sup>Section 7A was inserted by s. 6(4) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

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*(Section 8.)*

(3) The Commissioner shall not proceed to make assessment of tax due from the registered employers, other than those selected under sub-section (2), for assessment under sub-section (2) of section 7 in respect of all the periods of the year referred to in sub-section (2):

Provided that where the Commissioner has information that—

- (a) the amount of tax paid by a registered employer in his returns for all or any of the periods of such year is not correct, or
- (b) such documentary evidence as is required to be furnished by such employer in support of his claims as preferred in his returns for all or any of the periods of such year cannot be furnished or produced by him,

the Commissioner shall, notwithstanding the provisions of section 7, proceed to assess to the best of his judgement the amount of tax due from such employer under that section after giving such employer an opportunity of being heard at any time before the expiry of six years from the end of the year in respect of which or part of which assessment is made:

Provided further that where a registered employer of the class referred to in sub-section (1), other than an employer selected under sub-section (2) for assessment under sub-section (2) of section 7, brings to the notice of the Commissioner in writing, ordinarily within three months after such registered employer comes to know that he was not selected for assessment under sub-section (2) of section 7, in respect of any year referred to in this sub-section, that due to his error in fact or in law, an amount of tax has been paid by him in excess of what was payable by him during any return period relating to such year, and requests the Commissioner for making assessment under sub-section (2) of section 7 in respect of such year, the Commissioner may, if he is satisfied on the grounds adduced by such registered employer for making such assessment, proceed to make assessment in respect of such year before the expiry of the period of limitation provided in sub-section (4a) of section 7.

8. (1) The tax payable under this Act shall be paid in the prescribed manner.

Payment of  
tax.

(2) The amount of tax due from enrolled persons for each year as specified in their certificate of enrolment shall be paid—

- (a) in respect of a person who stands enrolled before the commencement of a year or is enrolled on or before the 31st day of August of a year, Before the 30th day of September of that year.
- (b) in respect of a person who is enrolled after the 31st day of August of a year, Within one month of the date of enrolment.

(Sections 9, 9A.)

<sup>1</sup>Provided that the enrolled person, who has made payment of tax according to clause (b) of sub-section (4) of section 5 in respect of any year, shall not make any payment of tax under this section for such year if the rate of tax at which such tax was payable for such year remains unchanged:

<sup>2</sup>Provided further that subject to such conditions and restrictions as may be prescribed, an enrolled person shall not be required to make payment of tax in terms of his certificate of enrolment in respect of the year or years, during which he is not temporarily engaged in any profession, trade or calling in West Bengal.

Conse-  
quences of  
failure to  
deduct or to  
pay tax.

9. (1) If an employer (not being an officer of Government) fails to pay tax as required by or under this Act, he shall, without prejudice to any other consequences and liabilities which he may incur, be deemed to be an assessee in default in respect of such tax.

(2) Without prejudice to the provisions of sub-section (1), an employer referred to in that sub-section shall be liable to pay simple interest at <sup>3</sup>[one per centum] of the amount of tax due for each month or part thereof for the period for which the tax remains unpaid.

(3) If an enrolled person fails to pay the tax as required by or under this Act, he shall be liable to pay simple interest at the rate and in the manner laid down in sub-section (2).

<sup>4</sup>(4) Interest payable under sub-section (2) or sub-section (3) shall be determined in such manner, by such date, and by such authority, as may be prescribed.

Exemption  
from interest  
and penalty.

<sup>5</sup>9A. (1) If any employer, who has been liable to obtain a certificate of registration under sub-section (1) of section 5, or any person who has been liable to obtain a certificate of enrolment under sub-section (2) of that section, obtains a certificate of registration or certificate of enrolment,

<sup>1</sup>Proviso was added by s. 7(2) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996).

<sup>2</sup>Proviso was added by s. 6(5) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

<sup>3</sup>The words within the square brackets were substituted for the words "two per centum" by s. 4(4) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

<sup>4</sup>Sub-section (4) was added by s. 7(2) of the West Bengal Finance Act, 1994 (West Ben. Act XVI of 1994).

<sup>5</sup>Section 9A was inserted by s. 5(1) of the West Bengal Taxation Laws (Amendment) Act, 1990 (West Ben. Act VI of 1990). Then, sub-sections (3), (4) and (5) were inserted by s. 6(1) of the West Bengal Finance (No. 2) Act, 1991 (West Ben. Act VII of 1991). Finally, Section 9A was substituted by s. 11(3) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992).

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(Sections 10-12.)

as the case may be, during the period commencing <sup>1</sup>[from the 1st day of July, 2001 and ending on the 31st day of December, 2001] and pays the entire amount of tax due from him by <sup>2</sup>[the 31st day of January, 2002], no penalty shall, notwithstanding the provisions of sub-section (6) of section 5, be imposed.

(2) Notwithstanding the provisions of sub-section (2) or sub-section (3) of section 9, no interest shall be payable by any employer or person who has been registered or enrolled during the period commencing <sup>3</sup>[from the 1st day of July, 2001 and ending on the 31st day of December, 2001], where such registered employer or enrolled person pays the entire amount of tax due from him on or before <sup>4</sup>[the 31st day of January, 2002].

10. If an enrolled person or a registered employer fails, without reasonable cause, to make payment of any amount of tax within the time or date specified in the notice of demand, the prescribed authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty not exceeding fifty *per centum* of the amount of tax due:

Penalty for non-payment of tax.

<sup>5</sup>Provided that no penalty shall be imposed under this section upon a person who has paid the tax due from him under this Act in accordance with the provisions of section 9A.

11. All arrears of tax, penalty, interest and fees under this Act shall be recoverable as arrears of land revenue.

Recovery of tax, etc.

12. (1) For carrying out the purposes of this Act, the State Government shall appoint an officer to be the Commissioner of Profession Tax.

Authorities for the purposes of this Act.

(2) The State Government may appoint such other officers as it thinks necessary to assist the Commissioner.

(3) An officer appointed under sub-section (2) shall, within the limits of such area as the State Government may by notification specify, exercise such powers and perform such duties as may be delegated by the Commissioner subject to such conditions as may be imposed by the State Government.

<sup>1</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "from the 1st day of April, 1991 and ending on the 31st day of August, 1992" by s. 8(3)(a)(i) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

<sup>2</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "the 30th day of September, 1992" by s. 8(3)(a)(ii), *ibid*.

<sup>3</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "from the 1st day of April, 1991 and ending on the 31st day of August, 1992" by s. 8(3)(b)(i), *ibid*.

<sup>4</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "the 30th day of September, 1992" by s. 8(3)(b)(ii), *ibid*.

<sup>5</sup>Proviso was added by s. 5(2) of the West Bengal Taxation Laws (Amendment) Act, 1990 (West Ben. Act VI of 1990).



(Sections 12A, 13.)

(4) The superintendence and control for the proper execution of the provisions of this Act and the rules made thereunder relating to the levy and collection of tax shall vest in the Commissioner. The Commissioner shall exercise such other powers and perform such other duties under this Act or any rule made thereunder as may be conferred or imposed on him.

Bureau.

<sup>1</sup>12A. (1) Notwithstanding anything contained elsewhere in this Act, the Bureau may, on information or on its own motion, or on direction given by the State Government or the Commissioner, carry out investigation or make enquiry into any case of alleged or suspected evasion of tax under this Act and, into any malpractices connected therewith.

(2) The Bureau may, for the purpose of carrying out any investigation or making any enquiry referred to in sub-section (1), exercise all the powers referred to in section 17.

(3) After a case of alleged or suspected evasion of tax has been investigated or enquired into, the Bureau shall send a report thereon to the Commissioner for such action as may be deemed necessary for the levy, collection, assessment and recovery of tax.

(4) On receipt of a report, from the Bureau, the Commissioner may require the Bureau to transfer to him any accounts, registers or documents seized by the Bureau and such accounts, registers or documents shall be retained by him for further period, if necessary, subject to the provisions of sub-section (4) of section 17.

(5) The Commissioner shall assign such functions of the Bureau to such officers of the Bureau as he may deem fit, and any person appointed under sub-section (2) of section 12 to assist the Commissioner shall, when appointed in the Bureau, be competent to exercise all the powers which are exercisable by such person under this Act and the rules made thereunder.

(6) The officers appointed in the Bureau shall have jurisdiction over the whole of West Bengal.

Collecting  
agent.

13. (1) For carrying out the purposes of this Act, the State Government may appoint any of its departments or officers as an agent responsible for levy and collection of the tax under this Act from such persons or class of persons as may be prescribed.

<sup>1</sup>Section 12A was inserted by s. 8(4) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

VI of 1979.]

(Section 14.)

(2) Upon such appointment, it shall be the duty of such collecting agents to carry out such functions under this Act in the manner prescribed, and to render full and complete account of the tax levied and collected to the Commissioner in such manner and at such time as he may require.

(3) Any officer authorised by the collecting agent in this behalf shall have, for the purposes of levy and collection of tax, such powers as may be prescribed.

(4) It shall be lawful for the Commissioner, or an officer duly authorised by him, to have access to, and to cause production and examination of books, registers, accounts or documents maintained or required to be maintained by the collecting agent for the purposes of this Act, and the collecting agent shall, whenever called upon to do so, produce such books, registers, accounts or documents for inspection by the Commissioner or by any officer authorised by him in this behalf.

14. (1) Subject to such rules as may be made by the State Government, any person aggrieved by any order made <sup>1</sup>[under this Act] or by an authority, not being an appellate authority, under sub-section (4) of this section may, in the prescribed manner, appeal to the authority prescribed.

Appeal,  
revision and  
rectification  
of mistakes.

(2) The appellate authority shall dispose of the appeal in the prescribed manner.

(3) Any authority under this Act may, of its own motion or on an application made in this behalf, by order rectify any mistake apparent on the face of the record.

<sup>2</sup>(4) Any order passed by any authority under this Act may be revised, either on application or on own motion, by such authority and in such manner as may be prescribed.

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<sup>1</sup>The words within the square brackets were substituted for the words and figures "under sections 5, 6, 7, 9 and 10" by s. 6(2) of the West Bengal Taxation Laws (Second Amendment) Act, 1994 (West Ben. Act XXIX of 1994).

<sup>2</sup>Sub-section (4) was substituted for the original by s. 8(1) of the West Bengal Taxation Laws (Amendment) Act, 1981 (West Ben. Act IX of 1981).

(Section 15.)

Accounts.

15. (1) Every employer or person shall keep and maintain a true and up-to-date accounts and documents pertaining to his business, profession, trade or calling along with a true and up-to-date records relating to disbursement of salaries and wages in respect of his employees or workers and in addition to such accounts, documents and records, he shall maintain and keep such registers or accounts in such form as may be prescribed.

(2) Every employer or person referred to in sub-section (1) shall keep at his place of work all accounts, registers and documents which may be required by the Commissioner or an Additional Commissioner or any person appointed under sub-section (2) of section 12 to assist the Commissioner for the purpose of inspection under sub-section (2) of section 17, and shall not keep or remove elsewhere such accounts, registers and documents except in accordance with the requirements of law or except for any other purpose for which just cause is shown to the Commissioner or Additional Commissioner or the person appointed under sub-section (2) of section 12 to assist the Commissioner.

(3) Where an employer or person wilfully fails to maintain the books of accounts or other registers or documents as referred to under sub-section (1), or wilfully fails to comply with the requirements of sub-section (2), the Commissioner may, after giving him an opportunity of being heard, impose upon him a penalty not exceeding rupees one hundred for each day of such failure.

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<sup>1</sup>Section 15 was substituted for the original section by s. 8(5) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001). Prior to this substitution there occurred following changes in the original section, namely:—

(a) in sub-section (1)—

(i) the words "employer or enrolled person" were substituted for the word "employer" by s. 2(1)(a) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989),

(ii) the words "business, profession, trade or calling" were substituted for the word "business" by s. 2(1)(b), *ibid.*,

(iii) the words "returns or such statements as may be prescribed" were substituted for the word "returns" by s. 2(1)(c), *ibid.*, and

(b) in sub-section (2), the words "employer or enrolled person" were substituted for the word "employer" by s. 2(2), *ibid.*

VI of 1979.]

(Section 16.)

16. (1) Notwithstanding anything to the contrary contained in any law or in any contract, the Commissioner may, at any time or from time to time, by notice <sup>1</sup>[in the prescribed form], a copy of which shall be forwarded to the assessee at his last address known to the Commissioner, require—

Special  
mode of  
recovery.

- (a) any person from whom any amount of money is due or may become due to an assessee on whom notice of demand has been served under this Act, or
- (b) any person who holds or may subsequently hold money for or on account of such assessee,

to pay the Commissioner, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by the assessee in respect of arrears of tax, penalty and interest under this Act, or the whole of the money when it is equal to or less than that amount.

*Explanation.*—For the purposes of this section, the amount of money due to an assessee from, or money held for or on account of an assessee by, any person, shall be calculated after deducting therefrom such claims (if any) lawful subsisting, as may have fallen due for payment by such assessee to such person.

(2) The Commissioner 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 assessee, and the receipt of the Commissioner 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 discharging any liability to the assessee after receipt of the notice referred to in this section, shall be personally liable to the Commissioner to the extent of the liability discharged, or the extent of the liability of the assessee for tax, penalty and interest, whichever is less.

(5) Where a person to whom a notice under this section is sent proves to the satisfaction of the Commissioner that the sum demanded or any part thereof is not due to the assessee or that he does not hold any money for or on account of the assessee, then, nothing contained in this section shall be deemed to require such person to pay any sum or part thereof, as the case may be, to the Commissioner.

<sup>1</sup>The words within the square brackets were substituted for the word "in writing" by s. 8(6) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

(Section 17.)

(6) Any amount of money which a person is required to pay to the Commissioner or for which he is personally liable to the Commissioner under this section, shall, if it remains unpaid, be recoverable as an arrear of land revenue.

Production  
and  
inspection of  
accounts and  
documents  
and search  
of place of  
work, etc.

<sup>1</sup>17. (1) Any authority under this Act may, for the purposes of this Act, require any person or any employer to produce <sup>2</sup>[and explain] before him any accounts or documents relating to his professions, trades, callings or employments, or disbursement of salaries and wages to his employees, as the case may be.

(2) All accounts, registers and other documents, either relating to professions, trades, callings or employments or disbursement of salaries and wages to the employees, as the case may be, shall at all reasonable time be open to inspection by an authority under this Act.

(3) If the Commissioner or an officer appointed under sub-section (2) of section 12 of this Act has reason to suspect that any person or employer is attempting to evade payment of any tax under this Act, he may, for reasons to be recorded in writing, inspect and search any place of work or any other place where the Commissioner or the officer has, upon information received, reasons to believe that records relating to professions, trades, callings or employments or disbursement of salaries and wages to the employees are being kept by the person or the employer, as the case may be, and seize such accounts, registers and documents as may be necessary for determination of tax payable under this Act.

(4) The Commissioner or the officer exercising the power under sub-section (3) shall give to the person in charge of the place of work or other premises searched a receipt describing the accounts, registers and documents seized and removed from such place of work or premises, as the case may be, and shall retain the accounts, registers and documents seized only for so long as may be necessary for the purposes of examination thereof or prosecution:

Provided that such officer shall not retain the registers, accounts and documents seized by him under sub-section (3) for a period exceeding one year from the date of seizure unless he states the reason therefor in writing and obtains sanction in writing from the Commissioner.

(5) The occupant of the place of work or premises searched or some person in his behalf shall, in every instance, be permitted to be present during the search. The receipt referred to in sub-section (4) shall be countersigned by the occupant or any person witnessing the search and seizure.

<sup>1</sup>Section 17 was substituted for the original by s. 8(2) of the West Bengal Taxation Laws (Amendment) Act, 1981 (West Ben. Act IX of 1981).

<sup>2</sup>The words within the square brackets were inserted by s. 8(7) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

VI of 1979.]

(Sections 17A, 17B, 18.)

<sup>1</sup>17A. <sup>2</sup>(1) Where the prescribed authority upon information received has reasons to believe that any enrolled person falling under any of the entries from serial Nos. 2 to 22 of the Schedule has paid tax for any year at a rate lower than what is payable by such person, or such person has not paid any tax for any year, under this Act, or such authority has received application from any person for refund of any amount under section 18, it may, after giving such person a reasonable opportunity of being heard, determine, in the prescribed manner, the amount of tax, penalty or interest payable by him.

Determina-  
tion of tax  
payable by  
enrolled  
persons.

(2) The amount of tax determined under sub-section (1), less the sum, if any, already paid in respect of such year, shall be paid by such persons on demand by the prescribed authority in the prescribed manner.

<sup>3</sup>17B. (1) If upon information which has come into its possession, the prescribed authority is satisfied that any person, who has been liable to pay tax under this Act in respect of any period or periods, has failed to get himself enrolled and pay the tax payable by him in respect of such period or periods, the prescribed authority shall, in the prescribed manner, determine to the best of its judgment the amount of tax for such period or periods, and in making such determination, the prescribed authority shall give such person a reasonable opportunity of being heard.

Determina-  
tion of tax  
payable by  
persons who  
are not  
rolled.

(2) The amount of tax determined under sub-section (1) that may be directed to be paid by such person, shall be paid by such person in the prescribed manner by such date as may be specified in a notice issued by the prescribed authority in this behalf, and the date to be specified shall not be less than fifteen days from the date of service of the said notice.

18. The prescribed authority shall refund to a person the amount of tax, penalty, interest and fees (if any) paid by such person in excess of the amount due from him. The refund may be made either by cash payment or, at the option of such person, by deduction of such excess from the amount of tax, penalty, interest and fee due from him:

Refund.

<sup>4</sup>Provided that such excess amount shall first be adjusted towards the recovery of any amount due from an employer under the Act or from a person to whom a certificate of enrolment has been issued, and thereafter the balance amount, if any, shall be refunded.

<sup>1</sup>Section 17A was inserted by s. 3 of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989).

<sup>2</sup>Sub-section (1) was substituted for the original sub-section by s. 4(5) of the West Bengal Finance Act, 2002 (West Ben. Act I of 2002).

<sup>3</sup>Section 17B was inserted by s. 6(3) of the West Bengal Taxation Laws (Second Amendment) Act, 1994 (West Ben. Act XXIX of 1994).

<sup>4</sup>This proviso was substituted for the original proviso by s. 8(8) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

(Section 19.)

Offences  
and  
penalties.

- <sup>1</sup>19. (1) Whoever—
- (a) furnishes any incorrect information in a return under sub-section (1) of section 6, or
  - <sup>2</sup>(aa) fails to comply with any requirement under sub-section (1), or sub-section (2), of section 6, or
  - (b) furnishes any incorrect information in Form IX as required under section 8 and the rules made under this Act, or
  - <sup>3</sup>(bb) fails to comply with any requirement under sub-section (1), or sub-section (2), of section 8, or
  - <sup>4</sup>(c) refuses to comply with any requirement under sub-section (1), or sub-section (2), of section 17, or
  - <sup>4</sup>(d) neglects or refuses to furnish information required by section 23A,

shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, and where the offence is a continuing one, with a daily fine, not exceeding fifty rupees, during the period of the continuance of the offence:

Provided that the provisions of this section shall not apply to an employer or person referred to in sub-section (1) of section 9A where he complies with the provisions contained therein in relation to the period commencing on the date of his liability to pay tax and ending on <sup>5</sup>[the 31st day of January, 2002].

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<sup>1</sup>Section 19 was substituted for the original by s. 7(2) of the West Bengal Finance Act, 1999 (West Ben. Act III of 1999). Prior to this substitution there occurred following changes in the original section, namely:—

- (i) a proviso was added to the original section by s. 5(3) of the West Bengal Taxation Laws (Amendment) Act, 1990 (West Ben. Act VI of 1990),
- (ii) after the first proviso, another second proviso was added by s. 6(2) of the West Bengal Finance (No. 2) Act, 1991 (West Ben. Act VII of 1991), and
- (iii) another proviso was substituted for the previous two provisos by s. 11(4) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992).

<sup>2</sup>Clause (aa) was inserted by s. 8(9)(a)(i) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

<sup>3</sup>Clause (bb) was inserted by s. 8(9)(a)(ii), *ibid.*

<sup>4</sup>Clauses (c) and (d) were substituted for the original clause (c) by s. 6(6) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

<sup>5</sup>The words, figures and letters within the square brackets were substituted for the words, figures and letters "the 30th day of September, 1992" by s. 8(9)(a)(iii) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

VI of 1979.]

(Section 20.)

(2) Whoever knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information, or suppresses material information shall be punishable with imprisonment of either description which shall not be less than three months but which may extend to one year or with fine not exceeding five thousand rupees or with both.

(3) Whoever obstructs any officer making inspection or search or seizure or taking other actions under sub-section (3), or sub-section (4), or sub-section (5), of section 17 shall be punishable with imprisonment of either description which shall not be less than three months but which may extend to one year or with fine not exceeding five thousand rupees or with both.

(4) Any offence punishable under sub-section (1), sub-section (2), or sub-section (3), shall be cognizable and bailable.

(5) In any prosecution for an offence under this Act which requires a culpable mental state on the part of an accused, the court shall presume the existence of such culpable mental state until the contrary is proved.

*Explanation I.*—In this sub-section, "culpable mental state" includes intention, motive, knowledge of a fact, or belief in, or reason to believe, a fact.

*Explanation II.*—If any of the offences under sub-section (2) or sub-section (3) continues, such offence shall be deemed to be a continuing offence.

(6) No court shall take cognizance of any offence under this Act or the rules made thereunder except with the previous sanction of the Commissioner and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate shall try such offence.

(7) No prosecution for any offence enumerated hereinbefore in this section shall be instituted in respect of the same facts for which a penalty has been imposed under this Act and no such penalty shall be imposed where a prosecution is instituted under this section.

20. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by  
companies.

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

<sup>1</sup>Sub-section (7) was inserted by s. 8(9)(b) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).



(Sections 21-23.)

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

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

Power to  
transfer  
proceedings.

21. The Commissioner may, after giving the parties concerned an opportunity of being heard, wherever it is possible to do so, and after recording his reason for doing so, by order in writing transfer any proceedings or class of proceedings under this Act, from himself to any other officer, and he may likewise transfer any such proceedings (including a proceeding pending with any officer or already transferred under this section) from any officer to any other officer or to himself:

Provided that nothing in this section shall be deemed to require any such opportunity to be given where the transfer is from any officer to any other officer and the offices of both are situated in the same city, locality or place.

*Explanation.*—In this section, the word "proceedings" in relation to any assessee whose name is specified in any order issued thereunder, means all proceedings under this Act in respect of any year, which may be pending on the date of such order or which may have been completed on or before such date, and includes also all proceedings under this Act which may be commenced after the date of such order in respect of any year in relation to such assessee.

Compound-  
ing of  
offences.

22. (1) Subject to such conditions as may be prescribed, the Commissioner may, either before or after the institution of proceedings for an offence under this Act, permit any person charged with the offence to compound the offence on payment of such sum, not exceeding double the amount of tax to which the offence relates, as the Commissioner may determine.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the person in respect of the same offence.

Power to  
enforce  
attendance,  
etc.

23. The authorities under this Act shall have power to summon and enforce the attendance of any person and any witness and to compel the production of any document by the same means and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

VI of 1979.]

(Sections 23A, 24, 24A.)

**23A.** (1) The prescribed authority may, for the purposes of this Act, require any person including any individual, Hindu undivided family, firm, company, corporation or other corporate body, society, club, or association to furnish to him particulars relating to profession, trade, calling or employment of any person in West Bengal.

Power to call for information from any person.

(2) The person from whom any information is sought for by the prescribed authority under sub-section (1) shall furnish such information accordingly.

**24.** (1) No suit shall lie in any Civil Court against any assessment made or order passed under this Act.

Bar to proceedings.

(2) No suit, prosecution, or other legal proceeding shall lie against any authority under this Act or against any employer for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

**24A.** (1) Notwithstanding anything contained in any other law for the time being in force,—

Clearance certificate.

- (a) no Government, local authority, educational institution, corporation or body corporate established by or under a Central or State Act shall place order with, or make purchases of any goods from, any person or make any payment to such person for such purchases, or
- (b) no Government, local authority, educational institution, corporation or body corporate established by or under a Central or State Act, or company incorporated under the Companies Act, 1956, or co-operative society registered or deemed to be registered under the West Bengal Co-operative Societies Act, 1983, shall enter into any contract with any person for execution by him of such contract and shall make payment to such person for execution of such contract, or
- (c) no Government, local authority, educational institution, corporation or body corporate established by or under a Central or State Act, shall renew any licence issued by them to any person,

I of 1956.

West Ben.  
Act XLV of  
1983.

<sup>1</sup>Section 23A was inserted by s. 6(7) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

<sup>2</sup>Section 24A was inserted by s. 8(10) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

[West Ben. Act

(Sections 25, 26.)

unless the Commissioner certifies in the prescribed manner that such person—

- (i) has no liability to pay tax or has not defaulted in furnishing any return or returns together with the receipted challan or challans showing payment of all tax payable under this Act, or
- (ii) has not defaulted in making payment of tax otherwise payable by, or due from, him under this Act, or
- (iii) has made satisfactory provision for securing the payment of tax by furnishing bank guarantee in favour of the Commissioner or otherwise.

as the case may be.

(2) The application for the certificate required under sub-section (1) shall be made by the person referred to in that sub-section to the Commissioner and shall be in such form and shall contain such particulars as may be prescribed.

Power to  
make rules.

25. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which, under any provisions of this Act, are required to be prescribed or to be provided by rules.

Exemption.

26. (1) Nothing contained in this Act shall apply to the [persons who are subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950 and are] serving in any part of West Bengal.

46 of 1950.  
45 of 1950.  
62 of 1957.

(2) The State Government may, by notification, exempt from the levy of tax under this Act any class or persons, if it considers necessary so to do in the public interest.

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<sup>1</sup>The words and figures within the square brackets were substituted for the words "members of the armed forces of the Union" by s. 2 of the West Bengal State Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1989 (West Ben. Act XII of 1989).

VI of 1979.]

(Schedule.)

THE SCHEDULE  
(See section 3.)

Schedule of rates of tax on professions, trades, callings  
and employments.

Sl. No.	Class of persons	Rate of tax
1	2	3
1.	Salary and wage earners. Such persons whose monthly salaries or wages are—	
	(i) Rs. 1,500 or less	Nil,
	(ii) Rs. 1,501 or more, but less than Rs. 2,001	Rs. 18 per month,
	(iii) Rs. 2,001 or more, but less than Rs. 3,001	Rs. 25 per month,
	(iv) Rs. 3,001 or more, but less than Rs. 5,001	Rs. 30 per month,
	(v) Rs. 5,001 or more, but less than Rs. 6,001	Rs. 40 per month,
	(vi) Rs. 6,001 or more, but less than Rs. 7,001	Rs. 45 per month,
	(vii) Rs. 7,001 or more, but less than Rs. 8,001	Rs. 50 per month,
	(viii) Rs. 8,001 or more, but less than Rs. 9,001	Rs. 90 per month.
	(ix) Rs. 9,001 or more, but less than Rs. 15,001	Rs. 110 per month,
	<sup>1</sup> (x) Rs. 15,001 or more, but less than Rs. 25,001	Rs. 130 per month,
	<sup>2</sup> (xi) Rs. 25,001 or more, but less than Rs. 40,001	Rs. 150 per month.
	<sup>2</sup> (xii) Rs. 40,001 and above	Rs. 200 per month.

<sup>1</sup>The Schedule was first substituted for the original by s. 4(2) of the West Bengal Taxation Laws (Amendment) Act, 1989 (West Ben. Act III of 1989). Then the same was resubstituted by s. 7(3) of the West Bengal Finance Act, 1999 (West Ben. Act III of 1999). Prior to this substitution and resubstitution there occurred following changes, namely—

(i) in serial No. 1,—

- (a) in column 3 against item (iv) the letters and figures "Rs. 7" were substituted for the letters and figure "Rs. 6" by s. 9(1)(a) of the West Bengal Taxation Laws (Amendment) and Repealing Act, 1983 (West Ben. Act VIII of 1983),
- (b) in column 3 against item (v) the letters and figures "Rs. 12" were substituted for the letters and figures "Rs. 10" by s. 9(1)(b), *ibid.*
- (c) in column 3 against item (vi) the letters and figures "Rs. 18" were substituted for the letters and figures "Rs. 15" by s. 9(1)(c), *ibid.*

finally, the serial No. 1 was substituted by s. 7(3)(1) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996);

- (ii) in serial No. 2, in the proviso the letters, figures and words "Rs. 250 per annum." were substituted for the letters, figures and words "Rs. 200 per annum." by s. 9(2) of the West Bengal Taxation Laws (Amendment) and Repealing Act, 1983 (West Ben. Act VIII of 1983); the same serial No. 2 was totally substituted by s. 4(1) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989); finally, the entries (i) to (vii) were substituted for the previous entries (i) to (v) by s. 7(3)(2) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996);

(Foot-note 1 contd. next page)

<sup>2</sup>Items (x), (xi) and (xii) and entries relating thereto were substituted for the item (x) and the entry relating thereto "(x) Rs. 15,001 and above" by s. 8(1)(a) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

[West Ben. Act

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
2	(a) Legal practitioners including solicitors and notaries public, (b) Medical practitioners including medical consultants and dentists, '(bb) Directors (other than those nominated by Government) of companies registered under the Companies Act, 1956 (1 of 1956), (c) Technical and professional consultants including architects, engineers, chartered accountants, actuaries, management consultants and tax consultants,	
	where the annual gross income of the persons mentioned above is—	
	(i) Rs. 18,000 or less	Nil.
	(ii) Rs. 18,001 or more, but less than Rs. 24,001	Rs. 216 per annum,
	(iii) Rs. 24,001 or more, but less than Rs. 36,001	Rs. 300 per annum,
	(iv) Rs. 36,001 or more, but less than Rs. 60,001	Rs. 360 per annum,

(Foot-note 1 contd. from previous page)

'Item (bb) was inserted by s. 6(8)(a) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

(iii) in serial No. 3,—

(a) serial No. 3 and the entries relating thereto, was substituted by s. 4(2) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989),

(b) the entries in column 2 and column 3 were substituted by s. 7(3)(3) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996).

(c) after Serial No. 3 and the entries relating thereto, an *Explanation* was inserted by s. 4(3) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989);

(iv) in serial No. 4, in column 2, the words "contractors or commission agents or *del credere* agents or mercantile agents" were substituted for the words "building contractors" by s. 8(1) of the West Bengal Taxation Laws (Second Amendment) Act, 1984 (West Ben. Act IV of 1984);

(v) serial No. 5A and the entries in column 2 and column 3 were inserted by s. 7(a) of the West Bengal Finance Act, 1991 (West Ben. Act VI of 1991);

(Foot-note 1 contd. at page 66)

*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

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VI of 1979.]

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
(v)	Rs. 60,001 or more, but less than Rs. 72,001	Rs. 480 per annum.
(vi)	Rs. 72,001 or more, but less than Rs. 84,001	Rs. 540 per annum.
(vii)	Rs. 84,001 or more, but less than Rs. 96,001	Rs. 600 per annum.
(viii)	Rs. 96,001 or more, but less than Rs. 1,08,001	Rs. 1,080 per annum.
(ix)	Rs. 1,08,001 or more, but less than Rs. 1,80,001	Rs. 1,320 per annum.
<sup>1</sup> (x)	Rs. 1,80,001 or more, but less than Rs. 3,00,001	Rs. 1,560 per annum.
<sup>1</sup> (xi)	Rs. 3,00,001 or more, but less than Rs. 4,80,001	Rs. 1,800 per annum.
<sup>1</sup> (xii)	Rs. 4,80,001 and above	Rs. 2,400 per annum.
3.	Chief agents, principal agents, special agents, insurance agents, and surveyors or loss assessors, registered or licensed under the Insurance Act, 1938 (4 of 1938). Where the annual gross income of the persons mentioned above is—	
(i)	Rs. 18,000 or less	Nil,
(ii)	Rs. 18,001 or more, but less than Rs. 24,001	Rs. 216 per annum.
(iii)	Rs. 24,001 or more, but less than Rs. 36,001	Rs. 300 per annum.

<sup>1</sup>Sub-items (x), (xi) and (xii) and entries relating thereto were substituted for the sub-item (x) and the entry relating thereto "(x) Rs. 1,80,001 and above" by s. 8(1)(b) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

[West Ben. Act

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
(iv)	Rs. 36,001 or more, but less than Rs. 60,001	Rs. 360 per annum,
(v)	Rs. 60,001 or more, but less than Rs. 72,001	Rs. 480 per annum,
(vi)	Rs. 72,001 or more, but less than Rs. 84,001	Rs. 540 per annum,
(vii)	Rs. 84,001 or more, but less than Rs. 96,001	Rs. 600 per annum,
(viii)	Rs. 96,001 or more, but less than Rs. 1,08,001	Rs. 1,080 per annum,
(ix)	Rs. 1,08,001 or more, but less than Rs. 1,80,001	Rs. 1,320 per annum,
<sup>1</sup> (x)	Rs. 1,80,001 or more, but less than Rs. 3,00,001	Rs. 1,560 per annum.
<sup>1</sup> (xi)	Rs. 3,00,001 or more, but less than Rs. 4,80,001	Rs. 1,800 per annum.
<sup>1</sup> (xii)	Rs. 4,80,001 and above	Rs. 2,400 per annum.

(Foot-note 1 contd. from page 64)

(vi) in serial No. 7,—

(a) in column 2 against item (a), (i) the words "liable to pay tax under" were substituted for the words "registered under" by s. 8(2)(a)(i) of the West Bengal Taxation Laws (Second Amendment) Act, 1984 (West Ben. Act IV of 1984),

(ii) the words, figures and brackets "or the West Bengal Sales Tax Act, 1954 (West Ben. Act IV of 1954) or the Central Sales Tax Act, 1956 (74 of 1956)" were substituted for the words, figures and brackets "and the West Bengal Sales Tax Act, 1954 (West Ben Act IV of 1954)" by s. 8(2)(a)(ii), *ibid.*

(b) in column 2 against item (c), the words "Occupiers, owners, lessees or licencees, as the case may be, of rice mill" were substituted for the words, figures and brackets "Owners of rice mills as defined under the West Bengal Paddy Purchase Tax Act, 1970 (West Ben. Act XV of 1970)" by s. 8(2)(b), *ibid.*

(vii) serial No. 8 and the entries relating thereto were substituted by s. 3 of the West Bengal Taxation Laws (Second Amendment) Act, 1995 (West Ben. Act XI of 1995);

(Foot-note 1 contd. next page)

<sup>1</sup>Item (x), (xi) and (xii) and entries relating thereto were substituted for the item (x) and the entry relating thereto "(x) Rs. 1,80,001 and above" by s. 8(11)(c) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

VI of 1979.]

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
	<i>Explanation.</i> —For the purposes of the entries against serial Nos. 2 and 3, “annual gross income”, in relation to a person, means the aggregate of the amounts of fee, remuneration, commission or any other charge, by whatever name called, relating to his profession or calling in West Bengal, receivable by him during the immediately preceding year.	
4.	(a) Members of associations recognised under the Forward Contracts (Regulation) Act, 1952 (74 of 1952)	Rs. 900 per annum.
	(b) (i) Members of Stock Exchanges recognised under the Securities Contracts (Regulation) Act, 1956 (42 of 1956)	Rs. 900 per annum,
	(ii) Remisiers recognised by a Stock Exchange	Rs. 400 per annum.
5.	(a) Estate agents or promoters or brokers or commission agents or <i>del credere</i> agents or mercantile agents	Rs. 2,500 per annum.

(Foot-note 1 contd. from previous page)

- (viii) serial No. 9 and the entries relating thereto were substituted by s. 8(3) of the West Bengal Taxation Laws (Second Amendment) Act, 1984 (West Ben. Act IV of 1984); then clauses (ii), (iii) and (iv) and the entries relating thereto were substituted for the clauses (ii) and (iii) by s. 8 of the West Bengal Taxation Laws (Amendment) Act, 1985 (West Ben. Act V of 1985);
- (ix) serial No. 11 and the entry relating thereto were substituted by s. 8(4) of the West Bengal Taxation Laws (Second Amendment) Act, 1984 (West Ben. Act IV of 1984);
- (x) in serial No. 12.—
- against item (a), in column 3, the figures “2,500” were substituted for the figures “900” by s. 11(5)(a)(i) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992),
  - against item (b), in column 2, the words “and employers of residential hotels of 3-star category and above” were omitted by s. 11(5)(a)(ii), *ibid.*
  - after item (b), item (bb) and the entries relating thereto were inserted by s. 11(5)(a)(iii), *ibid.*
  - in item (c), in column 2, the words “owners or occupiers or lessees” were substituted for the word “employers” by s. 11(5)(a)(iv), *ibid.*
  - in item (d), in column 2, the word “ganja,” was omitted by s. 11(5)(a)(v), *ibid.*
  - in item (c),—
    - in sub-item (i), in column 2, the words “, Video Parlours and Video Rental Libraries” were omitted by s. 11(5)(a)(vi)(A), *ibid.*

(Foot-note 1 contd. next page)



*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

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(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
	(b) Contractors of all descriptions engaged in any work: Such contractors whose gross business in a year is—	
	(i) less than Rs. 1,00,000	Nil,
	(ii) Rs. 1,00,000 or more, but less than Rs. 5,00,000	Rs. 300 per annum,
	(iii) Rs. 500,000 or more, but less than Rs. 10,00,000	Rs. 750 per annum,
	(iv) Rs. 10,00,000 and or more	Rs. 900 per annum.
	<i>Explanation.</i> —For the purposes of the entries, "gross business" shall mean the aggregate of the amounts of the valuable consideration or part thereof receivable during the immediately preceding year in respect of a contract or contracts executed wholly or partly during such year.	
6.	Stevedores, clearing agents, customs agents, licensed shipping brokers or licensed boat suppliers	Rs. 2,500 per annum.

(Foot-note 1 contd. from previous page)

- (ii) after sub-item (ii), in column 2, sub-item (iii) and the entries relating thereto in column 2 and column 3 was added by s. 11(5)(a)(vi)(B) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992),
- (g) in item (f), in column 3, the figures "2,500" were substituted for the figures "900" by s. 11(5)(a)(vii), *ibid*;
- (xi) serial No. 12A and the entries relating thereto was inserted by s. 7(b) of the West Bengal Finance Act, 1991 (West Ben. Act VI of 1991); then Serial No. 12A and the entries relating thereto was substituted by s. 11(5)(b) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992);
- (xii) in serial No. 16,—
- (a) in item (a), the word "Apex" was substituted for the words "State level" by s. 6(4)(a) of the West Bengal Taxation Laws (Second Amendment) Act, 1994 (West Ben. Act XXIX of 1994),
- (b) in item (b), the word "Central" was substituted for the words "District level" by s. 6(4)(b), *ibid*;
- (xiii) serial No. 18 and the entry relating thereto was substituted for the original by s. 8(5) of the West Bengal Taxation Laws (Second Amendment) Act, 1984 (West Ben. Act IV of 1984);

(Foot-note 1 contd. next page)

VI of 1979.]

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
7.	[(a) Owners of Subscribers Trunk Dialling (STD) or International Subscriber Dialling (ISD) booths— (i) situated within the area of the Calcutta Metropolitan Planning Area as described in the First Schedule to the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) (ii) situated in other areas (b) persons engaged in courier services (c) signal provider, cable operator, and cable hirer, in cable television net- work, and their agents	Rs. 1,000 per annum, Rs. 500 per annum, Rs. 500 per annum. Rs. 500 per annum.]
8.	(a) Bookmakers and trainers licensed by the Royal Calcutta Turf Club or any other Turf Club in the State (b) Jockeys licensed by any Turf Club in the State	Rs. 2,500 per annum. Rs. 150 per annum.

<sup>1</sup>In serial No. 7, the entries in column 2 and column 3 within the square brackets were substituted for the entries

"Directors (other than those nominated by  
Government) of companies registered  
under the Companies Act, 1956 (1 of 1956) Rs. 2,500 per annum."

by s. 6(8)(b) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

(Foot-note 1 contd. from previous page)

(xiv) in serial No. 21,—

- (a) in column 3, the figures "2,500" were substituted for the figures "900" by s. 11(5)(c) of the West Bengal Finance Act, 1992 (West Ben. Act I of 1992),
- (b) in clause (a), the words, brackets and letter "i", subject to the provision of clause (b)," were omitted by s. 7(1) of the West Bengal Finance Act, 1995 (West Ben. Act III of 1995),
- (c) in clause (b), firstly, the words and figures "serial Nos. 4 to 20" were substituted for the words and figures "serial Nos. 2 to 20" by s. 4(4)(a) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989); finally, clause (b) was omitted by s. 7(2) of the West Bengal Finance Act, 1995 (West Ben. Act III of 1995),
- (d) in clause (c), firstly, the words and figures "serial Nos. 4 to 20" were substituted for the words and figures "serial Nos. 2 to 20" by s. 4(4)(b) of the West Bengal State Tax on Professions, Trades, Callings and Employments (Second Amendment) Act, 1989 (West Ben. Act XXI of 1989); finally, clause (c) was omitted by s. 7(2) of the West Bengal Finance Act, 1995 (West Ben. Act III of 1995)

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and Employments Act, 1979.*

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(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
9.	(a) Dealers liable to pay tax under the West Bengal Sales Tax Act, 1994 (West Ben. Act XLIX of 1994) or the Central Sales Tax Act, 1956 (74 of 1956):—	
	(i) such dealers other than those mentioned in sub-item (ii) whose annual gross turnover of sales is—	
	(A) less than Rs. 2,00,000 . . .	Rs. 150 per annum,
	(B) Rs. 2,00,000 or more, but not exceeding Rs. 7.5 lakhs . . .	Rs. 300 per annum.
	(C) above Rs. 7.5 lakhs but not exceeding Rs. 25 lakhs . . .	Rs. 600 per annum,
	(D) above Rs. 25 lakhs but not exceeding Rs. 50 lakhs . . .	Rs. 1,200 per annum,
	(E) above Rs. 50 lakhs but not exceeding Rs. 2 crore . . .	Rs. 2,000 per annum,
	(F) above Rs. 2 crore . . .	Rs. 2,500 per annum.
	<i>Explanation.</i> —For the purposes of this entry “annual gross turnover of sales” shall mean the turnover of sales as defined in the West Bengal Sales Tax Act, 1994 (West Ben. Act XLIX of 1994) during the immediately preceding year,	
	(ii) any dealer as occupier of a jute mill, or shipper of jute, as defined in the West Bengal Sales Tax Act, 1994 (West Ben. Act XLIX of 1994) . . .	Rs. 2,500 per annum.
	(b) Occupiers, owners, lessces or licensees, as the case may be, of rice mills . . .	Rs. 2,500 per annum.

<sup>1</sup>Sub-item (i) and the entries relating thereto were substituted for the previous sub-item (i) and the entries relating thereto by s. 8(1)(d) of the West Bengal Finance Act, 2001 (West Ben. Act XVI of 2001).

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(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
10.	Occupiers of factories as defined in the Factories Act, 1948 (63 of 1948), who are not dealers covered by entry 9. Such occupiers of factories—	
	(i) where not more than fifteen workers are working	Rs. 600 per annum,
	(ii) where more than fifteen workers are working	Rs. 1,500 per annum.
	<i>Explanation.</i> —For the purposes of this entry and entry 11, the average number of workers or employees who were working or employed during the last preceding year shall be taken into consideration. This average number shall be arrived at by adding the average number of workers or employees who attended in each working month in that year and dividing the total by the number of such months.	
11.	Employers or shop-keepers as defined in the West Bengal Shops and Establishments Act, 1963 (West Ben. Act XIII of 1963), whether or not their establishments or shops are situated within an area to which the aforesaid Act applies, and who are not covered by entry 9.	
	Such employers or shop-keepers—	
	(i) where there are no employees	Rs. 50 per annum,
	(ii) where there are less than five employees	Rs. 100 per annum,
	(iii) where there are five or more employees but less than eleven employees	Rs. 250 per annum,
	(iv) where there are eleven or more employees but less than twenty employees	Rs. 350 per annum,
	(v) where there are twenty or more employees	Rs. 600 per annum.

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and Employments Act, 1979.*

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(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
12.	Owners or lessees of petrol/diesel filling stations and service stations and agents and distributors including retail dealers of liquefied petroleum gas	Rs. 2,500 per annum.
13.	(a) Owners or occupiers of distilleries, breweries and bottling plants	Rs. 2,500 per annum.
	(b) Licensed foreign liquor vendors	Rs. 2,500 per annum.
	(c) Owners or occupiers or lessees of residential hotels of 3-star category and above	Rs. 2,500 per annum.
	(d) Licensed country liquor vendors and owners or occupiers or lessees of residential hotels below 3-star category	Rs. 500 per annum.
	(e) Licensed opium, pachwai, toddy or bhang vendors	Rs. 250 per annum.
	(f) Owners, lessees or licencees, as the case may be, of—	
	(i) nursing homes and pathological laboratories	Rs. 2,500 per annum,
	(ii) cinema houses and theatres	Rs. 500 per annum,
	<sup>1</sup> (iii) video parlours, video halls and video rental libraries	Rs. 500 per annum.]
	(g) Owners, licencees or lessees, as the case may be, of premises let out for social functions	Rs. 2,500 per annum.
	(h) Owners or occupiers of cold storages	Rs. 900 per annum.
14.	Owners or lessees of—	
	(a) beauty parlours (non air-conditioned)	Rs. 900 per annum,
	(b) beauty parlours (air-conditioned)	Rs. 2,500 per annum,
	(c) health resorts or slimming centres	Rs. 2,500 per annum,
	(d) air-conditioned hair-dressing saloons	Rs. 2,500 per annum,
	(e) air-conditioned restaurants	Rs. 2,500 per annum.

<sup>1</sup>Sub-item (iii) and the entries relating thereto within the square brackets was substituted for

"(iii) video parlours and video rental libraries . . . Rs. 2,500 per annum."  
by s. 6(8)(c) of the West Bengal Finance Act, 2000 (West Ben. Act III of 2000).

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(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
15.	<p>Holders of permits granted and issued under the Motor Vehicles Act, 1988 (59 of 1988), for transport vehicles, which are adapted to be used for hire or reward.</p> <p>Where any such person holds permit or permits for any taxi including auto-rickshaws, three-wheeler goods vehicles, trucks or buses—</p> <p>(i) in respect of each taxi including auto-rickshaw or three-wheeler goods vehicle</p> <p>(ii) in respect of each truck or bus</p> <p>Provided that the total amount payable by the same holder shall not exceed Rs. 900 per annum.</p>	<p>Rs. 50 per annum.</p> <p>Rs. 100 per annum.</p>
16.	Licensed money-lenders under the Bengal Money-lenders Act, 1940 (Ben. Act X of 1940)	Rs. 2,500 per annum.
17.	<p>(a) Individuals or institutions conducting chit funds and lotteries</p> <p>(b) Authorised stockists of lottery tickets</p>	<p>Rs. 2,500 per annum.</p> <p>Rs. 2,500 per annum.</p>
18.	<p>Co-operative societies registered or deemed to be registered under the West Bengal Co-operative Societies Act, 1983 (West Ben. Act XLV of 1983) and engaged in any profession, trade or calling—</p> <p>(a) State level societies</p> <p>(b) district level societies</p>	<p>Rs. 900 per annum.</p> <p>Rs. 450 per annum.</p>
19.	Banking companies as defined in the Banking Regulation Act, 1949 (10 of 1949)	Rs. 2,500 per annum.
20.	Companies registered under the Companies Act, 1956 (1 of 1956) and engaged in any profession, trade or calling	Rs. 2,500 per annum.

*The West Bengal State Tax on Professions, Trades, Callings  
and Employments Act, 1979.*

[West Ben Act VI of 1979.]

(Schedule.)

Sl. No.	Class of persons	Rate of tax
1	2	3
21.	Partnership firms when engaged in any profession, trade or calling. Such firms whose gross annual turnover is—	
	(i) Rs. 25 lakhs or less	. . . Rs. 600 per annum,
	(ii) above Rs. 25 lakhs but less than Rs. 1 crore	. . . Rs. 1,200 per annum,
	(iii) Rs. 1 crore or above	. . . Rs. 2,500 per annum.
	<i>Explanation.</i> —For the purposes of this entry, “annual turnover” shall include the aggregate of the amounts or parts thereof receivable by way of remuneration, fee, reward or any consideration for services rendered and sales made during the previous year by such firms.	
22.	Owners, licencees or lessees, as the case may be, of tutorial homes and training institutes of any description, when engaged in any profession, trade or calling	. . . Rs. 2,500 per annum.
	<i>Explanation.</i> —For the purposes of this entry, “training institutes” engaged in any cultural, social or welfare activity shall be excluded.	
23.	Persons, other than those mentioned in any preceding entries, who are engaged in any profession, trade, calling or employment, and in respect of whom a notification is issued under section 3 of this Act	Rate of tax, not exceeding Rs. 2,500 per annum, shall be as may be fixed by notification.

Notwithstanding anything contained in this Schedule, where a person is covered by more than one entry in this Schedule, the highest rate of tax specified under any of those entries shall be applicable in his case.

## West Bengal Act VIII of 1983<sup>1</sup>

### THE WEST BENGAL TAXATION LAWS (AMENDMENT) AND REPEALING ACT, 1983.

[30th March, 1983.]

*An Act to amend the Bengal Amusements Tax Act, 1922, the Bengal Electricity Duty Act, 1935, the Bengal Finance (Sales Tax) Act, 1941, the Bengal Raw Jute Taxation Act, 1941, the West Bengal Sales Tax Act, 1954, the West Bengal Motor Spirit Sales Tax Act, 1974, the West Bengal Rural Employment and Production Act, 1976, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, and the West Bengal Multi-storeyed Building Tax Act, 1979, and to repeal the West Bengal Paddy Purchase Tax Act, 1970.*

WHEREAS it is expedient to amend the Bengal Amusements Tax Act, 1922, the Bengal Electricity Duty Act, 1935, the Bengal Finance (Sales Tax) Act, 1941, the Bengal Raw Jute Taxation Act, 1941, the West Bengal Sales Tax Act, 1954, the West Bengal Motor Spirit Sales Tax Act, 1974, the West Bengal Rural Employment and Production Act, 1976, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, and the West Bengal Multi-storeyed Building Tax Act, 1979, for the purposes and in the manner hereinafter appearing;

Ben. Act V  
of 1922.  
Ben. Act X  
of 1935.  
Ben. Act VI  
of 1941.  
Ben. Act XI  
of 1941.  
West Ben.  
Act IV of  
1954.  
West Ben.  
Act XI of  
1974.  
West Ben.  
Act XIV of  
1976.  
West Ben.  
Act VI of  
1979.  
West Ben.  
Act XVII of  
1979.

AND WHEREAS it is expedient to repeal the West Bengal Paddy Purchase Tax Act, 1970;

West Ben.  
Act XV of  
1970.

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Taxation Laws (Amendment) and Repealing Act, 1983.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

Short title  
and  
commence-  
ment.

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 14th March, 1983 (Bill No. 11 of 1983).



*The West Bengal Taxation Laws (Amendment) and  
Repealing Act, 1983.*

[West Ben. Act

(Sections 2, 3.)

Amendment  
of Ben. Act  
V of 1922.

2. In the Bengal Amusements Tax Act, 1922, in section 3,—
- (1) in sub-section (3a), after the proviso to the Table, the following proviso shall be added:—
- “Provided further that in the case of cinematograph exhibitions in Bengali or Nepali language, the rate of entertainments tax shall be three-fourths of the rates as shown above.”;
- (2) to sub-section (3aa), the following proviso shall be added:—
- “Provided that in the case of cinematograph exhibitions in Bengali or Nepali language, the rate of additional surcharge for coloured films shall be three-fourths of the rates as aforesaid.”.

Amendment  
of Ben. Act  
X of 1935.

3. In the Bengal Electricity Duty Act, 1935,—
- (1) after section 3, the following section shall be inserted:—
- “Assessing Authority. 3A. The State Government may prescribe an authority or authorities to assess in the manner prescribed the electricity duty payable under this Act and the rules made thereunder.”;
- (2) after section 7B, the following section shall be inserted:—
- “Appeal. 7C. (1) Any person may in the prescribed manner appeal to the prescribed authority against any order of assessment of electricity duty or any other order passed under this Act or the rules made thereunder within sixty days or such further period as may be allowed by the prescribed authority for reasons shown to his satisfaction from the date of receipt of a notice of demand issued after such order of assessment or the date of communication of such other order, as the case may be:
- Provided that no appeal against an assessment of electricity duty shall be entertained by the prescribed authority unless he is satisfied that such amount of the electricity duty as the appellant may admit to be due from him has been paid.
- (2) Subject to such rules of procedure as may be prescribed, the prescribed authority, in disposing of any appeal under sub-section (1), may—
- (a) confirm, modify or annul the assessment of electricity duty or any other order, as the case may be; or
- (b) set aside the assessment of electricity duty or any other order, as the case may be, and direct the authority concerned to make a fresh assessment or pass a fresh order after such further inquiry as may be directed.”.

VIII of 1983.]

(Section 4.)

4. In the Bengal Finance (Sales Tax) Act, 1941,—

Amendment  
of Ben. Act  
VI of 1941.

(1) in section 4, in sub-section (6), in clause (i), for the words "gold and fertilisers," the words, letters and brackets "gold, rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*)," shall be substituted;

(2) in section 5,—

(a) in sub-section (1),—

(i) in clause (a), for the words "sales of gold:", the words "sales of gold, rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*)," shall be substituted;

(ii) in clause (bbb), after sub-clause (iii), the following sub-clause shall be added:—

"(iv) mustard oil, rape oil and mixtures of mustard and rape oil:"

(iii) in clause (c), for the words "sales of goods", the words "sales of goods, other than rice and wheat," shall be substituted;

(b) in sub-section (2),—

(i) in clause (a),—

(A) in sub-clause (ii), for the words "of goods referred to", the words "of goods, other than rice and wheat, referred to" shall be substituted;

(B) after sub-clause (va), the following sub-clauses shall be inserted:—

"(vb) sales of rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*) purchases whereof are shown to the satisfaction of the Commissioner to have been made from a registered dealer;

(vc) sales of rice (*Oryza sativa* L.) procured out of paddy on which tax has been levied under the West Bengal Paddy Purchase Tax Act, 1970:"

(ii) in clause (b), in sub-clauses (ii) to (v), for the figure, letter and brackets "(va)", wherever they occur, the figure, letter and brackets "(va), (vb), (vc)" shall be substituted;

(Section 4.)

(c) in sub-section (3), for clause (b), the following clause shall be substituted:—

“(b) the aggregate of the following amounts, if any,—

- (i) one *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of one *per centum* of the turnover;
- (ii) two *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of two *per centum* of the turnover;
- (iii) two and three-fourths *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of three *per centum* of the turnover;
- (iv) three and three-fourths *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of four *per centum* of the turnover;
- (v) ten and three-fourths *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of twelve *per centum* of the turnover;
- (vi) seven and one-fourth *per centum* of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at rates other than one, two, three, four or twelve *per centum* of the turnover.”;

(d) in sub-section (6), in clause (b), for the words “two *per centum*”, the words “three *per centum*” shall be substituted:

(Section 5.)

(3) in Schedule I,—

- (a) in the entry in column 1 against item 1, for the words "bran thereof," the words "bran thereof, but excluding rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*)," shall be substituted;
- (b) in the entry in column 1 against item 6, after the word "sak", the words ", other than dry chillies" shall be inserted and shall be deemed always to have been inserted;
- (c) in the entry in column 1 against item 11, after the word "Milk", the words ", other than powdered or condensed milk." shall be inserted and shall be deemed always to have been inserted;
- (d) item 43 and the entry relating thereto in column 1 shall be omitted;

(4) in Schedule II,—

- (a) for serial No. 19 and the entry relating thereto, the following serial No. and entry shall be substituted:—  
"19. Articles, other than utensils, made wholly or principally of stainless steel.";
- (b) after serial No. 41 and the entry relating thereto, the following serial No. and entry shall be added:—  
"42. Footwears of all descriptions, when sold at a price exceeding fifty rupees per pair."

5. In the Bengal Raw Jute Taxation Act, 1941, after section 9A, the following section shall be inserted:—

"Special mode  
of recovery.

9B. (1) Notwithstanding the issue of a requisition under sub-section (3) of section 9 for realisation of tax or penalty as an arrear of land revenue, the authority referred to in clause (b) of section 6 or clause (b) of section 7 may, at any time or from time to time, by notice in the prescribed form, require any person from whom money is due or may become due to the defaulting occupier of a jute-mill or shipper of jute or any person who holds or may subsequently hold money for or on account of such defaulting occupier or shipper of jute to deposit in the Treasury or the Reserve Bank of India under the appropriate head of account either forthwith upon the money becoming due or being held or at or within the time specified in the aforesaid 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 said occupier or shipper of jute in respect of arrears or the whole of money when it is equal to the arrears or less than the amount of arrears.

Amendment  
of Ben. Act  
XI of 1941.

*(Section 5.)*

(2) A notice under this section may be issued to any person who holds or may subsequently hold any money for or on account of the defaulting occupier of a jute-mill or shipper of jute jointly with any other person and for the purposes of this section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(3) A copy of the notice shall be forwarded to the defaulting occupier of a jute-mill or shipper of jute at his last address known to the authority referred to in sub-section (1) and, in the case of a joint account, to all the joint holders at their last addresses known to such authority.

(4) Save as otherwise provided in this section, every person to whom a notice is issued under this section shall be bound to comply with such notice and, in particular, where any such notice is issued to a post-office, banking company or insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary.

(5) Any claim respecting any property in relation to which a notice under this section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(6) Where a person to whom a notice under this section is sent proves to the satisfaction of the authority referred to in sub-section (1) that the sum demanded or any part thereof is not due to the defaulting occupier of a jute-mill or shipper of jute or that he does not hold any money for or on account of such occupier or shipper of jute or that the money demanded or any part thereof is not likely to be due to the said occupier or shipper of jute or to be held for or on account of such occupier or shipper of jute, nothing contained in this section shall be deemed to require such person to deposit any sum or part thereof, as the case may be.

(7) The authority referred to in sub-section (1) may, at any time or from time to time, amend or revoke any notice issued under this section or extend the time for depositing any sum demanded or part thereof.

(8) The Treasury or the Reserve Bank of India, as the case may be, shall grant a receipt for any amount deposited in compliance with a notice issued under this section and the person depositing the amount shall be fully discharged from his liability to the defaulting occupier of a jute-mill or shipper of jute to the extent of the amount so deposited.

(9) Any person discharging any liability to the defaulting occupier of a jute-mill or shipper of jute after receipt of a notice under this section shall be personally liable to the authority referred to in sub-section (1) to the extent of his own liability to such occupier or shipper of jute so discharged or to the extent of the occupier's or the shipper's liability for any sum due under this Act, whichever is less.

VIII of 1983.]

(Sections 6-9.)

(10) If the person to whom any notice under this section is sent fails to make payment in pursuance thereof, he shall be deemed to be a defaulting occupier of a jute-mill or shipper of jute in respect of the amount specified in the notice and further proceedings may be started against him for the realisation of the amount as if it were an arrear due from him and the notice shall have the same effect as attachment of a debt.

(11) The authority referred to in sub-section (1) may apply to the court in whose custody there is money belonging to the defaulting occupier of a jute-mill or shipper of jute for payment to him of the entire amount of such money or, if it is more than the tax or penalty due, such amount of money as is sufficient to cover the tax or the penalty imposed:

Provided that any dues or property exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908, shall be exempt from any requisition under this section."

5 of 1908.

6. In the West Bengal Sales Tax Act, 1954, in section 4, in sub-section (3), in clause (a), for the words "two per centum", the words "three per centum" shall be substituted.

Amendment  
of West Ben.  
Act IV of  
1954.

7. In section 4 of the West Bengal Motor Spirit Sales Tax Act, 1974, in the Table below sub-section (2),—

Amendment  
of West Ben.  
Act XI of  
1974.

- (a) in column 2 against item 2B, for the words "Six per centum", the words "Eight per centum" shall be substituted, and
- (b) in the proviso to item 2B, for the words "one per centum", the words "two per centum" shall be substituted.

8. In section 4 of the West Bengal Rural Employment and Production Act, 1976, in sub-section (2), in clause (b), for the words "rupees seven and fifty paise", the words "rupees fifteen" shall be substituted.

Amendment  
of West Ben.  
Act XIV of  
1976.

9. In the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, in the Schedule,—

Amendment  
of West Ben.  
Act VI of  
1979.

- (1) in Serial No. 1,—
  - (a) in column 3 against item (iv), for the letters and figure "Rs. 6", the letters and figure "Rs. 7" shall be substituted;
  - (b) in column 3 against item (v), for the letters and figures "Rs. 10", the letters and figures "Rs. 12" shall be substituted;
  - (c) in column 3 against item (vi), for the letters and figures "Rs. 15", the letters and figures "Rs. 18" shall be substituted;
- (2) in Serial No. 2, in the proviso, for the letters, figures and words "Rs. 200 per annum.", the letters, figures and words "Rs. 250 per annum." shall be substituted.

*The West Bengal Taxation Laws (Amendment) and  
Repealing Act, 1983.*

[West Ben. Act

(Section 10.)

Amendment  
of West Ben.  
Act XVII of  
1979.

**10.** In the West Bengal Multi-storeyed Building Tax Act, 1979, after section 10, the following section shall be inserted:—

*Other modes  
of recovery.* 10A. (1) Notwithstanding any action taken in pursuance of section 10, the Commissioner or any person appointed under sub-section (2) of section 4, may recover the tax or penalty by any one or more of the modes provided in this section.

(2) If any owner is in receipt of any income chargeable under the head "Salaries" under the Income-Tax Act, 1961, the Commissioner or any person appointed under sub-section (2) of section 4 may require any person paying the same to deduct from any payment subsequent to the date of such requisition any arrears of tax or penalty due from such owner, and such person shall comply with any such requisition and shall pay the sum so deducted into the Treasury or the Bank specified in the requisition to the credit of the State Government.

43 of 1961.

(3)(a) The Commissioner or any person appointed under sub-section (2) of section 4 may, at any time, or from time to time, by notice in writing, require any person, from whom money is due or may become due to the owner or any person who holds or may subsequently hold money for or on account of the owner to pay into the Treasury or the Bank specified in the notice to the credit of the State Government, either forthwith upon the money becoming due or being held or 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 owner in respect of arrears or whole of the money when it is equal to or less than the amount due.

(b) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the owner jointly with any other person and for the purposes of this sub-section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(c) A copy of such notice shall be forwarded to the owner at his last address known to the Commissioner or any person appointed under sub-section (2) of section 4 and, in the case of a joint account, to all the joint holders at their last addresses known to the Commissioner or any person appointed under sub-section (2) of section 4.

(d) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice and, in particular, where any such notice is issued to a post-office, banking company or insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary.

VIII of 1983.]

*(Section 10.)*

(c) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of such notice shall be void as against any demand contained in the notice.

(4) Where a person to whom a requisition or notice under this section is sent proves to the satisfaction of the Commissioner or any person appointed under sub-section (2) of section 4, as the case may be, that the sum demanded or any part thereof is not due to the owner or that he does not hold any money for or on account of the owner or that the money demanded or any part thereof is not likely to be due to the owner or to be held for or on account of the owner, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be.

(5) The Commissioner or any person appointed under sub-section (2) of section 4 may, at any time or from time to time, amend or revoke any requisition or notice issued under this section or extend the time for making any payment in pursuance of such requisition or notice.

(6) A receipt shall be granted for any amount paid in compliance with a requisition or notice under this section, and the person paying the amount shall be fully discharged from his liability to the owner to the extent of the amount so paid.

(7) Any person discharging any liability to the owner after receipt of a requisition or notice under this section shall be personally liable to the Commissioner or any person appointed under sub-section (2) of section 4 to the extent of the owner's liability for any sum due under this Act or to the extent of his liability to the owner, whichever is less.

(8) Subject to the provisions of sub-section (4), if a person to whom a requisition or notice under this section is sent fails to make payment in pursuance thereof, he shall be deemed to be an owner in default in respect of the amount specified in the requisition or the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear of tax or penalty due from him in the manner provided in section 10.

(9) The Commissioner or any person appointed under sub-section (2) of section 4 may apply to the court in whose custody there is money belonging to the owner for payment to him of the entire amount of such money or, if it is more than the tax or penalty due, an amount sufficient to discharge the tax or the penalty:

Provided that any dues or property exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908, shall be exempt from any requisition or notice made under this section.



*The West Bengal Taxation Laws (Amendment) and  
Repealing Act, 1983.*

[West Ben. Act VIII of 1983.]

*(Section 11.)*

Repeal and  
savings.

11. The West Bengal Paddy Purchase Tax Act, 1970 shall stand repealed with effect from the date of coming into force of sub-clause (a) of clause (3) of section 4 of this Act:

West Ben.  
Act XV of  
1970.

Provided that such repeal shall not affect—

- (i) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered before the aforesaid date.
- (ii) any legal proceeding or remedy in respect of such right, title, obligation or liability, or
- (iii) the levy, determination, collection or refund of any tax, or the imposition or recovery of any penalty, which may have become payable before the aforesaid date, under the West Bengal Paddy Purchase Tax Act, 1970.

and any such proceeding may be instituted, continued or disposed of, and any such remedy may be enforced and any such tax may be levied, determined or collected or any such refund may be made and any such penalty may be imposed or recovered as if this Act had not been passed.

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# West Bengal Act IX of 1983<sup>1</sup>

## THE WEST BENGAL APPROPRIATION ACT, 1983.

[31st March, 1983.]

*An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1983.*

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1983;

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

- |   |  |
|---|--|
| <p>1. This Act may be called the West Bengal Appropriation Act, 1983.</p> <p>2. From and out of the consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees five hundred and twenty-seven crores sixty-six lakhs forty-four thousand two hundred and eighty-eight towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1983, in respect of the services and purposes specified in column 2 of the Schedule.</p> <p>3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1983.</p> | <p>Short title.</p> <p>Issue of Rs. 5,27,66,44,288 out of the Consolidated Fund of West Bengal for the year 1982-83.</p> <p>Appropriation.</p> |
|---|--|

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 25th March, 1983, page 874; for proceedings of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on the 30th March, 1983.

(Schedule.)

## SCHEDULE.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
Demand Number/ Serial Number.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>A—General Services</b>			
	<b>(a) Organs of State</b>			
Serial				
2	212—Governor .. .. .	..	1,38,000	1,38,000
3	213—Council of Ministers .. .. .	2,33,000	..	2,33,000
4	214—Administration of Justice .. .. .	4,52,000	6,09,000	10,61,000
5	215—Elections .. .. .	2,02,56,000	..	2,02,56,000
	<b>(b) Fiscal Services</b>			
	<b>(i) Collection of Taxes on Income and Expenditure</b>			
6	220—Collection of Taxes on Income and Expenditure. .. .. .	4,25,000	..	4,25,000
	<b>(ii) Collection of Taxes on Property and Capital Transactions</b>			
8	230—Stamps and Registration .. .. .	61,000	..	61,000
	<b>(iii) Collection of Taxes on Commodities and Services</b>			
10	239—State Excise .. .. .	10,33,000	43,000	10,76,000
11	240—Sales Tax .. .. .	4,97,000	..	4,97,000
12	241—Taxes on Vehicles .. .. .	5,15,000	15,000	5,30,000
	<b>(d) Administrative Services</b>			
Serial				
17	251—Public Service Commission .. .. .	..	2,61,000	2,61,000
18	252—Secretariat—General Services .. .. .	8,89,000	..	8,89,000
20	254—Treasury and Accounts Administration. .. .. .	3,37,000	..	3,37,000
21	255—Police .. .. .	10,71,56,000	1,47,000	10,73,03,000
24	258—Stationary and Printing .. .. .	17,11,000	..	17,11,000

IX of 1983.]

(Schedule.)

1 Demand Number/ Serial Number.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>Capital Expenditure Outside the Revenue Account</b> (Capital Outlay on Public Works under Functional Heads) <b>B—Capital Account of Social and Community Services</b>			
25	480—Capital Outlay on Medical (Buildings)	..	6,80,000	6,80,000
	<b>REVENUE ACCOUNT</b> <b>A—General Services</b> <b>(d) Administrative Services</b>			
27	265—Other Administrative Services ..	1,30,57,600	..	1,30,57,600
	<b>(e) Pensions and Miscellaneous General Services</b>			
28	266—Pensions and Other Retirement Benefits ..	14,40,40,000	..	14,40,40,000
	<b>B—Social and Community Services</b>			
31	276—Secretariat—Social and Community Services ..	..	2,639	2,639
33	277—Education (Youth Welfare) ..	33,98,000	..	33,98,000
34	277—Education (Excluding Sports and Youth Welfare). ..	7,44,87,000	1,11,638	7,45,98,638
	278—Art and Culture. ..	1,80,000	..	1,80,000
	<b>Total</b> ..	<b>7,46,67,000</b>	<b>1,11,638</b>	<b>7,47,78,638</b>
36	280—Medical ..	2,63,28,000	89,679	2,64,17,679
37	281—Family Welfare ..	4,20,25,000	..	4,20,25,000
38	282—Public Health, Sanitation and Water Supply. ..	8,20,72,000	..	8,20,72,000

(Schedule.)

1	2	3		
		Sums not exceeding		
Demand Number/ Serial Number.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>B—Capital Account of Social and Community Services</b>			
39	483—Capital Outlay on Housing ..	..	2,00,000	2,00,000
41	485—Capital Outlay on Information and Publicity. ..	55,15,000	..	55,15,000
	<b>REVENUE ACCOUNT</b>			
	<b>B—Social and Community Services</b>			
42	287—Labour and Employment ..	47,18,32,000	..	47,18,32,000
45	288—Social Security and Welfare (Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes). ..	2,22,62,000	1,511	2,22,63,511
46	288—Social Security and Welfare (Excluding Civil Supplies, Relief and Rehabilitation of Displaced Persons and Repatriates and Welfare of Schedule Castes, Scheduled Tribes and Other Backward Classes). ..	14,08,78,000	4,131	14,08,82,131
	<b>REVENUE ACCOUNT</b>			
	<b>B—Social and Community Services</b>			
47	289—Relief on account of Natural Calamities. ..	3,42,28,000	..	3,42,28,000
	295—Other Social and Community Services. ..	58,17,000	..	58,17,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>B—Capital Account of Social and Community Services</b>			
48	495—Capital Outlay on Other Social and Community Services. ..	3,08,000	..	3,08,000
	<b>F—Loans and Advances</b>			
	695—Loans for Other Social and Community Services. ..	11,00,000	..	11,00,000
	<b>Total</b> ..	<b>72,25,000</b>	<b>..</b>	<b>72,25,000</b>

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(Schedule.)

1 Demand Number/ Serial Number.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(a) General Economic Services</b>			
49	296—Secretarial—Economic Services ..	..	1,38,168	1,38,168
	298—Co-operation ..	..	54,300	54,300
50	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>F—Loans and Advances</b>			
	698—Loans for Co-operation ..	2,01,13,000	..	2,01,13,000
	Total ..	2,01,13,000	54,300	2,01,67,300
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(a) General Economic Services</b>			
51	304—Other General Economic Services ..	2,21,000	..	2,21,000
	<b>(b) Agriculture and Allied Services</b>			
52	305—Agriculture ..	..	2,71,357	2,71,357
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(b) Agriculture and Allied Services</b>			
53	306—Minor Irrigation ..	5,28,35,000	..	5,28,35,000
	309—Food ..	4,22,05,000	..	4,22,05,000
54	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>C—Capital Account of Economic Services</b>			
	<b>(b) Capital Account of Agriculture and Allied Services</b>			
	509—Capital Outlay on Food ..	18,00,000	..	18,00,000
	Total ..	4,40,05,000	..	4,40,05,000

(Schedule.)

1 Demand Number/ Serial Number.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(b) Agriculture and Allied Services</b>			
55	310—Animal Husbandry ..	..	4,000	4,000
56	311—Dairy Development ..	2,11,16,000	10,000	2,11,26,000
58	313—Forest ..	63,63,000	..	63,63,000
59	314—Community Development (Panchayat)	3,10,74,000	..	3,10,74,000
60	314—Community Development (Excluding Panchayat). ..	..	2,104	2,104
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>C—Capital Account of Economic Services</b>			
	<b>(c)—Capital Account of Industry and Minerals</b>			
	522—Capital Outlay on Machinery and Engineering Industries (Closed and Sick Industries). ..	73,00,000	..	73,00,000
61	526—Capital Outlay on Consumer Industries (Closed and Sick Industries).	1,39,50,000	..	1,39,50,000
	<b>F—Loans and Advances</b>			
	726—Loans for Consumer Industries (Closed and Sick Industries). ..	1,30,000	11,373	1,41,373
	Total ..	2,13,80,000	11,373	2,13,91,373

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(Schedule.)

1 Demand Number/ Serial Number.	2 Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(c) Industry and Minerals</b>			
	320—Industries (Excluding Public Under- takings and Closed and Sick Industries).	28,24,000	..	28,24,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>C—Capital Account of Economic Services</b>			
	<b>(c) Capital Account of Industry and Minerals</b>			
62	520—Capital Outlay on Industrial Research and Development (Excluding Public Undertakings and Closed and Sick Industries).	5,000	..	5,000
	<b>F—Loans and Advances</b>			
	720—Loans for Industrial Research and Development (Excluding Closed and Sick Industries).	3,45,38,000	..	3,45,38,000
	Total	3,73,67,000	..	3,73,67,000
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(c) Industry and Minerals</b>			
	321—Village and Small Industries (Excluding Public Undertakings).	37,32,000	..	37,32,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>F—Loans and Advances</b>			
63	721—Loans for Village and Small Industries (Excluding Public Undertakings).	13,00,000	..	13,00,000
	Total	50,32,000	..	50,32,000



(Schedule.)

1 Demand Number/ Serial Number.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(c) Industry and Minerals</b>			
64	328—Mines and Minerals ..	47,000	..	47,000
	<b>(d) Water and Power Development</b>			
	333—Irrigation, Navigation, Drainage and Flood Control Projects. ..	2,35,33,000	..	2,35,33,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>C—Capital Account of Economic Services</b>			
66	<b>(d) Capital Account of Water and Power Development</b>			
	532—Capital Outlay on Multipurpose River Projects. ..	..	1,000	1,000
	533—Capital Outlay on Irrigation, Navigation, Drainage and Flood Control Projects. ..	..	10,55,000	10,55,000
	<b>Total</b> ..	2,35,33,000	10,56,000	2,45,89,000
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(d) Water and Power Development</b>			
67	334—Power Projects ..	2,60,00,000	..	2,60,00,000
	<b>(e) Transport and Communications</b>			
	337—Roads and Bridges ..	23,82,000	..	23,82,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>C—Capital Account of Economic Services</b>			
70	<b>(e) Capital Account of Transport and Communications</b>			
	537—Capital Outlay on Roads and Bridges ..	..	26,41,788	26,41,788
	<b>Total</b> ..	23,82,000	26,41,788	50,23,788

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(Schedule.)

1	2	3		
		Sums not exceeding		
Demand Number/ Serial Number.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rr.	Rs.
	<b>REVENUE ACCOUNT</b>			
	<b>C—Economic Services</b>			
	<b>(e) Transport and Communications</b>			
71	338—Road and Water Transport Services..	1,96,45,000	..	1,96,45,000
72	339—Tourism ..	37,000	..	37,000
	<b>D—Grants-in-aid and Contributions</b>			
74	363—Compensation and Assignments to Local Bodies and Panchayati Raj Institutions (Excluding Panchayat). ..	7,39,01,000	..	7,39,01,000
	<b>Capital Expenditure Outside the Revenue Account</b>			
	<b>F—Loans and Advances</b>			
80	726—Loans for Consumer Industries (Excluding Public Undertakings and Closed and Sick Industries). ..	59,00,000	..	59,00,000
	<b>C—Capital Account of Economic Services</b>			
	<b>(e) Capital Account of Industry and Minerals</b>			
82	530—Investments in Industrial Financial Institutions (Excluding Public Undertakings). ..	16,25,000	..	16,25,000
	<b>E—Public Debt</b>			
Serial	603—Internal Debt of the State Government ..	..	2,99,75,82,000	2,99,75,82,000
83	604—Loans for Advances from the Central Government. ..	..	67,89,02,000	67,89,02,000
	Total ..	..	3,67,64,84,000	3,67,64,84,000
	<b>Grand Total</b> ..	1,59,36,68,600	3,68,29,75,688	5,27,66,44,288