



## The Maharashtra Sales Tax Act, 1979

Act 17 of 1979

### Keyword(s):

Agriculture, Authorized Dealer, Authorization, Business, Commission Agent, Commissioner, to Cultivate, Dealer, Declared Goods, Earlier Law, Fair Market Price, Goods, Importer, Legal Representative, Manufacture, Non-Resident Dealer, Permit, Place of Busine

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

## THE MAHARASHTRA SALES TAX ACT, 1979.

## CONTENTS.

PREAMBLE.

SECTIONS.

## CHAPTER I

## PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

## CHAPTER II

## INCIDENCE, LEVY AND COLLECTION OF TAX

3. Incidence of tax.
4. Liability of dealer registered under Central Sales Tax Act to pay tax.
5. Sales and purchases of certain goods specified in Schedule A free from all tax.
6. Taxes payable by a dealer.
7. Single point levy of sales tax on Declared goods specified in Schedule B.
8. Single point levy of sales tax on goods specified in Schedule C.
9. Exclusion of certain purchases for purposes of deductions under sections 7 and 8.
10. Power to specify points of sale at which goods may be taxed.
11. Determination of sale price and turnover of sales in certain cases.
12. Tax payable at reduced rate on certain sales.
13. No deduction from turnover except on declarations.
14. Declaration to be signed in the prescribed manner.
15. No deduction from turnover of resales of goods purchased from registered dealers except on certificates.
16. No deduction from turnover of resales of goods purchased from other dealer except on certificates.
17. On and after specified dates certain prescribed declaration forms to be obtained from prescribed authority.
18. Purchase tax payable on certain purchases of goods from unregistered dealer.

**Sections**

19. Purchase tax payable on purchases of goods in Schedule C in certain cases.
20. Liability to purchase tax for contravention of the terms of declaration.
21. Declaration of stock of goods held on the appointed day.
22. Liability to pay special purchase tax on certain goods in stock.
23. Liability to purchase tax on certain stocks of goods.
24. Levy of additional tax in the case of dealers whose turnover exceeds Rs. 10,00,000 a year and manner of payment thereof.
25. Rate of tax on packing materials.
26. Liability of principal, Commission agent, Auctioneer, etc.
27. Power to reduce rate of tax and to amend Schedules.
28. No deduction under sections 7 and 8 in certain cases.
29. Liability of firms.
30. Special provision regarding liability to pay tax in certain cases.

**CHAPTER III****SALES TAX AUTHORITIES, TRIBUNAL AND SETTLEMENT COMMISSION**

31. Sales Tax Authorities.
32. Tribunal.
33. Settlement Commission.

**CHAPTER IV****REGISTRATION, AUTHORIZATION, RECOGNITION AND PERMIT**

34. Registration.
35. Authorization.
36. Recognition.
37. Permit.
38. Commissioner may refuse Authorization etc.
39. Cancellation or suspension of Authorization etc.
40. Non-transferability of Registration, Authorization etc.
41. Information to be furnished regarding changes in business etc.
42. Certificate of registration, etc. to continue in certain circumstances.

## CHAPTER V

RETURNS, ASSESSMENT, PAYMENT, INTEREST, PENALTY, RECOVERY  
AND REFUND OF TAX

## Sections.

43. Returns.
44. Assessment of taxes.
45. Applicability of all the provisions of this Act or earlier law to person liable to pay tax under section 30.
46. Reassessment of turnover escaping assessment, under assessed etc.
47. Part assessment of taxes.
48. Reopening of assessment or re-assessment at the instance of dealer.
49. Levy and calculation of interest.
50. Imposition of penalty in certain cases.
51. Reference to higher authority in certain cases.
52. Power of Commissioner to issue directions in certain cases.
53. Payment of tax, etc.
54. Special powers of Sales Tax authorities for recovery of tax as arrears of land revenue.
55. Rounding off etc.
56. Special mode of recovery.
57. Continuation of certain recovery proceedings.
58. Lump sum payment of tax.
59. Exemptions.
60. Draw-back, set-off, refund etc.
61. Refund of excess payment.
62. Refund of taxes forfeited.
63. Reimbursement of tax on Declared goods in the course of inter-State trade or commerce.
64. Interest on delayed refund.
65. Power to withhold refund in certain cases.
66. Remission of tax.

## Sections.

67. Power not to recover tax not levied or short levied, as a result of general practice.
68. Prohibition against collection of tax in certain cases.
69. Memorandum of sales or purchases.

## CHAPTER VI

## LIABILITY TO PRODUCE ACCOUNTS AND SUPPLY INFORMATION

70. Accounts.
71. Production and inspection of accounts and documents and search of premises.
72. Dealer to declare the name of manager of his business.
73. Power to collect statistics.

## CHAPTER VII

## PROCEEDINGS

74. Determination of disputed question.
75. Powers of Tribunal, Settlement Commission and Commissioner.
76. Bar to certain proceeding.
77. Appeal.
78. Non-appealable orders.
79. Revision.
80. Settlement of cases.
81. Assessment proceedings etc., not to be invalid on certain grounds.
82. Court-fee on appeal and application for revision and certain other applications.
83. Application of sections 4 and 12 of Limitation Act, and extension of period of limitation in certain cases.
84. Statement of case to the High Court.
85. Rectification of mistakes.
86. Certain transfers to be void.
87. Provisional attachment to protect revenue in certain cases.

## CHAPTER VIII

## OFFENCES AND PENALTIES

## Sections.

88. Offences and Penalties.
89. Action against any authority for vexatious order or wilful under assessment etc.
90. Disclosure of information by a public servan.
91. Disclosure of information required under section 73 and failure to furnish information or return under that section.
92. Offences by companies and Hindu undivided family.
93. Cognizance of offences.
94. Investigation of offences.
95. Compounding of offences.

## CHAPTER IX

## MISCELLANEOUS

96. Power to transfer proceedings.
97. Appearance before any authority in proceedings.
98. Persons appointed under section 31 and member of Tribunal etc. to be public servants.
99. Indemnity.
100. Power to make rules.
101. Notifications issued under sections 10,27 and 59 and rules made under the Act to be laid before both Houses and liable to be modified or annulled by them.
102. Certain sales and purchases not to be liable to tax.
103. Repeal.
104. Savings.
105. Power to remove difficulties.

SCHEDULE ' A '

SCHEDULE ' B '

SCHEDULE ' C '

**MAHARASHTRA ACT No. XVII OF 1979<sup>1</sup>**

[THE MAHARASHTRA SALES TAX ACT, 1979]

[25th June 1979]

(Assented to by the President)

**An Act to consolidate and amend the law relating to the levy and collection of tax on the sale or purchase of certain goods in the State of Maharashtra.**

WHEREAS it is expedient to consolidate and amend the law relating to the levy and collection of tax on the sale or purchase of certain goods in the State of Maharashtra ; It is hereby enacted in the Thirtieth Year of the Republic of India a follows :—

**CHAPTER I**

**PRELIMINARY**

1. (1) This Act may be called the Maharashtra Sales Tax Act, 1979.

(2) It extends to the whole of the State of Maharashtra.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such day as the State Government may, by notification in the *Official Gazette*, appoint.

(4) Any notification, order or rule, and any appointment to an office, may be made, and any certificate of Registration, Authorization, Recognition, Permit or any other certificate or document by whatever name called may be granted or issued, under this Act, at any time after the passing of this Act; but such notification, order, rule, appointment, certificate or document made, granted or issued shall not take effect till the day appointed for the remaining provisions to come into force under sub-section (3).

Short title,  
extent and  
commence-  
ment.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1978, Part V, pp. 266-268.

For Report of the Select Committee, see *Maharashtra Government Gazette*, 1979, Part V, pp. 84-109.

For the Bill as amended by the Select Committee, see *ibid.*, pp. 110-199.

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

(1) "agriculture", with all its grammatical variations and cognate expressions, includes horticulture, raising of crops, grass or garden produce, and also grazing; but does not include dairy farming, poultry farming, stock breeding or mere cutting of wood or grass or gathering of fruit;

(2) "agriculturist" means a person who cultivates land personally;

(3) "appointed day" means the day on which remaining provisions of this Act come into force under sub-section (3) of section 1;

(4) "Authorised dealer" means a Registered dealer who holds an Authorization;

(5) "Authorization" means an Authorization granted under section 35;

(6) "business" includes—

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

(ii) any transaction in connection with, or incidental or ancillary to such trade, commerce, manufacture, adventure or concern, whether or not such transaction is in respect of capital assets or otherwise, whether or not it is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction, and whether or not there is volume, frequency, continuity or regularity in such transaction;

(iii) any occasional transaction in the nature of such trade, commerce, manufacture, adventure or concern involving purchase or sale of goods in the State, whether or not there is volume, frequency, continuity or regularity of such transactions and whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction;

but does not include mere profession or mere service which in either case is not in the nature of such trade, commerce, manufacture, adventure or concern;

(7) "Commission agent" means a dealer, who *bona fide* effects purchases or sales, for an agreed commission, any goods on behalf of the principal mentioned in his accounts in respect of each transaction;

(8) "Commissioner" means the person appointed to be the Commissioner of Sales Tax for the purposes of this Act;

(9) "to cultivate", with its grammatical variations and cognate expressions, means to carry on any agricultural operation;



(10) " to cultivate personally " means to cultivate on one's own account—

- (i) by one's own labour, or
- (ii) by the labour of one's own family, or
- (iii) by servants on wages payable in cash or kind (but not in crop share), or by hired labour under one's personal supervision or the personal supervision of any member of one's family.

*Explanation 1.*—A widow or a minor, or a person who is subject to any physical or mental disability or is a serving member of the armed forces of the Union, shall be deemed to cultivate land personally, if it is cultivated by her or his servants or by hired labour.

*Explanation 2.*—In the case of a Hindu undivided family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family ;

(11) " dealer " means any person who buys or sells any goods in the State for the purpose of his business or in connection with or incidental to his business, and includes—

(i) a commission agent, or any other agent by whatever name called, who effects purchases or sales of any goods in the State on behalf of any principal, whether disclosed or not,

(ii) an auctioneer who sells or auctions goods belonging to any principal, whether disclosed or not and whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal,

(iii) a manager or agent residing in the State, of a non-resident dealer, who buys or sells goods for the purpose of business in the State;

*Explanation 1.*—The Central Government or any State Government which, whether or not in the course of business, buys, sells, supplies or distributes goods, directly or otherwise, for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, shall be deemed to be a dealer for the purposes of this Act.

*Explanation 2.*—A society, club or other association of persons (whether incorporated or not) which, whether or not in the course of business, buys, sells, supplies or distributes goods from or to its members for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, shall be deemed to be a dealer for the purposes of this Act.

*Exception.*—An agriculturist, who sells exclusively agricultural produce grown on land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause; and an agriculturist who sells *gur* prepared by him from sugarcane produced by him shall be deemed to be selling agricultural produce grown by him ;

(12) " Declared goods " means declared goods as defined in the Central Sales Tax Act, 1956;

(13) "earlier law" means any of the following laws, that is to say:—

- |   |  |
|---|--|
| (i) the Bombay Sales Tax Act, 1946,   | Bom.<br>V of<br>1946.                      |
| (ii) the Bombay Sales Tax (No. 2) Ordinance, 1952,                          | Bom.<br>Ord.<br>III of<br>1952.            |
| (iii) the Bombay Sales Tax Act, 1953,                                       | Bom.<br>III of<br>1953.                    |
| (iv) the Bombay Sales of Intoxicants Taxation Act, 1953,                    | Bom.<br>XL-<br>VII<br>of<br>1953.          |
| (v) the Central Provinces and Berar Sales of Lubricants Taxation Act, 1938, | C.P.<br>and<br>Berar<br>XIV<br>of<br>1938. |
| (vi) the Central Provinces and Berar Sales Tax Act, 1947,                   | C.P.<br>and<br>Berar<br>XXI<br>of<br>1947. |
| (vii) the Hyderabad General Sales Tax Act, 1950,                            | Hyd.<br>XIV of<br>1950.                    |
| (viii) the Bombay Sales Tax Act, 1959,                                      | Bom.<br>L1 of<br>1959.                     |
- each of them as amended, from time to time, and includes enactments which have validated anything done or omitted to be done under any of the above mentioned laws;

(14) "fair market price" in relation to any goods means—

- (i) the price at which such or like goods are ordinarily sold or purchased or offered for sale or purchase at the time and place of sale or purchase where the seller or buyer is not a related person and the price is the sole consideration for the same; and
- (ii) where the price referred to in sub-clause (i) is not ascertainable, such price as may be determined in accordance with rules.

*Explanation.*—For the purposes of this clause, "related person" means a person who is so associated with the seller or buyer that they have interest, directly or indirectly, in the business of each other and includes a holding company, a subsidiary company, a relative and an agent;

(15) "goods" means every kind of movable property (not being newspapers, or actionable claims or money, or stocks, shares or securities), and includes growing crops, grass and trees and plants (including the produce thereof) and all other things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

(16) "importer" means a dealer who brings any goods into the State, or to whom any goods are despatched from any place outside the State;

V of 1908. (17) "legal representative" shall have the meaning assigned to it in clause (11) of section 2 of the Code of Civil Procedure, 1908;

(18) "manufacture", with all its grammatical variations and cognate expressions, includes any activity for producing, making, extracting, altering, ornamenting, reconditioning, blending, retreading, finishing or otherwise processing, treating or adapting any goods, but does not include such manufactures or manufacturing processes as may be prescribed ;

(19) "non-resident dealer" means a dealer who effects purchases or sales of any goods in the State, but who has no fixed place of business or residence in the State;

(20) "Permit" means a Permit granted to a Commission agent under section 37;

(21) "person" includes any company or society or club or association or body of individuals, whether incorporated or not, or a Hindu undivided family, a firm, and the Central Government, a State Government and a local authority;

(22) "place of business" means a place where the business is carried on, and includes a warehouse, godown or any other place where a dealer stores his goods and also includes any place where he keeps his books of accounts;

(23) "prescribed" means prescribed by rules;

(24) "purchase price" means the amount of valuable consideration paid or payable by a person or the price which may be determined under this Act, as the case may be, for any purchase made including any sum paid or payable, for anything done by the seller in respect of the goods at the time of or before delivery thereof, other than the cost of inward freight or delivery or the cost of installation when such cost is separately charged;

(25) "Recognised dealer" means a registered dealer who holds a Recognition;

(26) "Recognition" means a Recognition granted under section 36;

(27) "Registered dealer" means a dealer registered under section 34;

(28) "re-sale" for the purposes of sections 7, 8, 13, 15, 16 and 18 means a sale of purchased goods—

(i) without using them in the manufacture of any goods, or

(ii) without doing anything to them which amounts to or results in manufacture, and the word "re-sell" shall be construed accordingly ;

(29) "rules" means rules made under this Act;

(30) "sale" means a sale of goods made within the State, for cash or deferred payment or other valuable consideration, and includes any supply by a society or club or association to its members on payment of a price or of fees or subscription, but does not include a mortgage, hypothecation, charge or pledge; and the words "sell", "buy", "purchase", with all their grammatical variations and cognate expressions, shall be construed accordingly ;

*Explanation.*—For the purposes of this clause, a sale within the State includes a sale determined to be inside the State in accordance with the principles formulated in sub-section (2) of section 4 of the Central Sales Tax Act, 1956;

(31) "sale price" means the amount of valuable consideration paid or payable to a dealer or the price which may be determined under this Act, as the case may be, for any sale made including any sum paid or payable for anything done by the dealer in respect of the goods at the time of or before delivery thereof, other than the cost of outward freight or delivery or the cost of installation when such cost is separately charged;

*Explanation.*—In the case of sales of goods warehoused in bonded warehouses, appointed or licensed, under the Central Excises and Salt Act, 1944 or, as the case may be, the Bombay Prohibition Act, 1949, the sale price shall include the duties paid or payable under the aforesaid Acts in respect of such goods at the time of clearance of the goods from the bonded warehouse, whether such duties are paid or payable by or on behalf of the seller or by any person who clears the goods ;

I of  
1944.  
Bom.  
XXV  
of  
1949.

(32) "Schedule" means a Schedule appended to this Act;

(33) "Settlement Commission" means the Sales Tax Settlement Commission constituted under section 33;

(34) "the State" means the State of Maharashtra;

(35) "tax" means a sales tax, purchase tax, special purchase tax or additional tax, as the case may be, payable under this Act;

(36) "taxable goods" means goods other than those on the sale or purchase of which no tax is payable under section 5;

(37) "Tribunal" means the Tribunal constituted under section 32;

(38) "turnover of purchases" means the aggregate of the amounts of purchase price in respect of any purchase of goods made by a dealer during a given period, after deducting the amount of purchase price, if any, refunded to him by the seller in respect of any goods purchased from the seller and returned to him within the prescribed period ;

(39) "turnover of sales" means the aggregate of the amounts of sale price in respect of any sale of goods made by a dealer during a given period, after deducting the amount of sale price, if any, refunded by him to a purchaser, in respect of any goods sold and returned by the purchaser to him within the prescribed period; and in the case of an auctioneer, includes the price of the goods auctioned by him for his principal;

(40) "year"—

(a) means the financial year, or

(b) in relation to any particular Registered dealer for the purposes of this Act (except section 3 and Chapter IV thereof) means—

(i) British calendar year,

(ii) Samvat year,

(iii) Shalivahan Shak year, or

(iv) Co-operative year,

as the case may be, by reference to which the accounts of that dealer are ordinarily maintained in his books; but such dealer may by written declaration made by him in this behalf opt for the financial year :

Provided that, where an option has once been exercised by a Registered dealer, he shall not, except with the consent of the Commissioner and upon such conditions as the Commissioner may impose, make any variation in respect thereof.

## CHAPTER II

## INCIDENCE, LEVY AND COLLECTION OF TAX

3. (1) Every dealer whose turnover either of all sales or of all purchases, made during— Incidence of tax.

(i) the year ending on the 31st day of March 1979, or

(ii) the year commencing on the 1st day of April 1979,

has exceeded or exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act on his turnover of sales, and on his turnover of purchases, made, on or after the appointed day:

Provided that, a dealer, to whom sub-clause (i) does not apply but sub-clause (ii) applies and whose turnover either of all sales or of all purchases first exceeds the relevant limit specified in sub-section (4) after the appointed day, shall not be liable to pay tax in respect of sales and purchases which take place upto the time when his turnover of sales, or his turnover of purchases, as computed from the 1st day of April 1979, first exceeds the relevant limit applicable to him under sub-section (4).

(2) Every dealer, whose turnover, either of all sales or of all purchases made, during any year commencing on the 1st day of April, being a year subsequent to the years mentioned in sub-section (1) first exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect from the said date:

Provided that, a dealer shall not be liable to pay tax in respect of such sales and purchases as take place during the period commencing on the 1st day of April of the said year, upto the time when his turnover of sales or turnover of purchases as computed from the 1st day of April of the said year, first exceeds the relevant limit applicable to him under sub-section (4).

(3) Every dealer, who has become liable to pay tax under this Act, shall continue to be so liable until his registration is duly cancelled; and upon such cancellation his liability to pay tax, other than tax already levied or leviable, shall, until his turnover of sales or turnover of purchases again first exceeds the relevant limit specified in sub-section (4), cease :

Provided that, where the dealer becomes liable to pay tax again in the same year in which he ceased to be liable as aforesaid, then in respect of such sales and purchases as take place during the period commencing on the date of the cessation of liability to tax and ending on the date on which his turnover of sales or purchases first exceeds the relevant limit applicable to him under sub-section (4), no tax shall be payable.

(4) For the purposes of this section, the limits of turnover shall be as follows:—

(a) in the case of a dealer, who is an importer, and the value of taxable goods sold or purchased by him during the year is not less than Rs. 5,000 and the value of any goods, whether taxable or not, brought by him into the State or despatched to him from outside the State during the year is not less than Rs. 5,000;

or

(b) in the case of a dealer who is a manufacturer of goods for sale by himself, and the value of taxable goods sold or purchased by him during the year is not less than Rs. 5,000 and the value of any goods, whether taxable or not, manufactured by him during the year is not less than Rs. 5,000;

(i) Limit of turnover  
Rs. 20,000.

(c) in the case of a dealer, who is a manufacturer other than the one covered by clause (b) above and the value of taxable goods purchased by him during the year is not less than Rs. 5,000 and the amount of manufacturing or processing charges received or receivable by him during the year is not less than Rs. 20,000; } (ii) Limit of turnover Rs. 5,000.

(d) in the case of a dealer to whom neither (a) nor (b) nor (c) above applies, and the value of taxable goods sold or purchased during the year is not less than Rs. 5,000. } (iii) Limit of turnover over Rs. 60,000.

(5) For the purpose of calculating the limit of turnover for liability to tax,—

(a) except as otherwise expressly provided, the turnover of all sales or, as the case may be, the turnover of all purchases, shall be taken, whether such sales or purchases are taxable or not,

(b) the turnover shall include all sales and purchases made by a dealer on his own account, and also on behalf of principals mentioned in his accounts;

(c) in the case of an auctioneer, in addition to the turnover (if any) referred to in clauses (a) and (b) of this sub-section, the turnover shall also include the price of the goods auctioned by him for his principal, whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal if the price of such goods is received by him on behalf of his principal;

(d) in the case of a manager or agent of a non-resident dealer, in addition to the turnover (if any) referred to in clauses (a), (b) and (c) of this sub-section, the turnover shall also include the sales or purchases of the non-resident dealer effected in the State.

(6) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this section, a Commission agent or any other agent by whatever name called and an auctioneer shall be liable to pay tax under this Act, whether or not the principal is a dealer and whether or not such principal is liable to pay tax under this section.

Liability of dealer registered under Central Sales Tax Act to pay tax.

4. (1) Notwithstanding anything contained in section 3, a dealer who is registered under the Central Sales Tax Act, 1956, but who is not liable to pay tax under the said section 3, shall nevertheless be liable to pay tax—

(a) on sales of goods in respect of the purchases of which he has furnished a declaration under sub-section (4) of section 8 of the Central Sales Tax Act, 1956; and

(b) on sales of goods in the manufacture of which the goods so purchased have been used;

and accordingly, the provisions of sections 7, 8, 12 and 13 shall apply to such sales, as they apply to the sales made by a dealer liable to pay tax under section 3.

(2) Every dealer who is liable to pay tax under sub-section (1) shall, for the purposes of sections 43, 44, 45, 46, 47, 48, 49, 50, 53, 68, 69 and 70 be deemed to be a Registered dealer.

(3) Where a dealer liable to pay tax under sub-section (1) becomes liable to pay tax under section 3, then notwithstanding anything contained in the proviso to sub-section (1) or sub-section (2) of section 3, such dealer shall be liable to pay tax on the sales covered by clauses (a) and (b) of sub-section (1).

5. (1) Subject to the conditions or exceptions (if any), set out against each of the goods specified in column 3 of Schedule A, no tax shall be payable on the sales or purchases of any goods specified in that Schedule.

Sales and purchases of certain goods specified in Schedule A free from all tax.

(2) The State Government may, by notification in the *Official Gazette*, add to, or enlarge, any entry in Schedule A, or relax or omit any condition or exception specified therein; and thereupon, the said Schedule shall be deemed to be amended accordingly; and the amendment so made shall take effect from the date of the publication of the notification in the *Official Gazette* or from such other prospective or retrospective date as may be mentioned therein

6. Subject to the provisions of this Act and to any rules made thereunder, there shall be paid by every dealer, who is liable to pay tax under this Act, the tax or taxes leviable on the turnover of sales or purchases in accordance with the provisions of this Chapter.

Taxes payable by a dealer.

*Explanation.*—For the purposes of this Chapter, the turnover of sales and purchases shall include all sales and purchases made by the dealer on his own account and also on behalf of principals mentioned in his accounts and shall likewise include the price of the goods auctioned by him whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal and shall also include the turnover in this State of the non-resident dealer, as the case may be.

7. (1) There shall be levied a sales tax, on the turnover of sales of Declared goods specified in Schedule B, at the rate set out against each of them in column 3 thereof, but after deducting from such turnover—

Single point levy of sales tax on Declared goods specified in Schedule B.

(i) resales of goods on the purchases of which the dealer is liable to pay purchase tax under section 20 or special purchase tax under sub-section (2) of section 22;

(ii) resales of goods purchased by him on or after the appointed day from a Registered dealer, otherwise than on a declaration furnished under section 12 or 13, if a certificate as provided in section 15 is obtained;

(iii) resales of goods purchased by him on or after the appointed day from a dealer liable to pay tax under section 4, if a certificate as provided in section 16 is furnished;

(iv) resales of goods (other than those specified in Schedule A of the Bombay Sales Tax Act, 1959), purchased from a dealer registered under that Act, otherwise than on a certificate or declaration furnished under that Act or under the rules made or the notifications issued thereunder and held in stock on the appointed day, if a certificate as prescribed in section 12A of that Act is furnished; and

Bom. LI of 1959.

(v) sales of goods or resales of goods to which clause (ii), (iii) or (iv) does not apply, to an Authorised dealer or to a Commission agent holding a permit who purchases on behalf of a principal upon such dealer or Commission agent, as the case may be, furnishing a declaration as provided in section 13.

LXX-IV of 1956.

(2) In order to comply with the restrictions contained in section 15 of the Central Sales Tax Act, 1956, to the effect that the tax shall not be levied on the sales or purchases of each of the goods mentioned in any of the entries in Schedule B at more than one stage, it is hereby provided that if under this Act or any earlier law any sale or purchase of such goods has borne tax, then no further tax shall be levied under this Act on any subsequent sale or purchase thereof; and accordingly, for the purpose of arriving at the taxable turnover of sales or purchases of a dealer, there shall be deducted from his total turnover of sales, or as the case may be, of purchases, the sales or purchases of such goods as have borne tax at any earlier stage.

Single point levy of sales tax on goods specified in Schedule C. 8. There shall be levied a sales tax on the turnover of sales of goods specified in Schedule C at the rate set out against each of them in column 3 thereof, but after deducting from such turnover,—

(i) resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 20 and special purchase tax under sub-section (2) of section 22;

(ii) resales of goods purchased by him on or after the appointed day from a Registered dealer otherwise than on a declaration furnished under section 12 or 13, if a certificate as provided in section 15 is obtained;

(iii) resales of goods purchased by him on or after the appointed day from a dealer liable to pay tax under section 4, if a certificate as provided in section 16 is furnished;

(iv) resales of goods (other than those specified in Schedule A of the Bombay Sales Tax Act, 1959) purchased from a dealer registered under that Act, otherwise than on certificate or declaration furnished under that Act or under the rules made or the notifications issued thereunder and held in stock on the appointed day, if a certificate as prescribed in section 12A of that Act is furnished; and

(v) sales of goods or resales of goods to which clause (ii), (iii) or (iv) does not apply, to an Authorised dealer, a Recognised dealer or a Commission agent holding a permit, who purchases on behalf of a principal upon such dealer or Commission agent, as the case may be, furnishing a declaration as provided in section 13.

Exclusion of certain purchases for purposes of deductions under sections 7 and 8. 9. For the purpose of deducting the resales of goods purchased from a Registered dealer under section 7 or 8 from the turnover of sales, the expression "goods purchased from a Registered dealer" shall be construed so as not to include the following classes of purchases :—

(i) a purchase of goods which is not liable to tax by virtue of the provisions of section 102 of this Act or section 75 of the Bombay Sales Tax Act, 1959; and

(ii) a purchase of packing material received or acquired alongwith the purchases of goods covered by section 5 of this Act or of the Bombay Sales Tax Act, 1959.

Power to specify points of sale at which goods may be taxed. 10. Notwithstanding anything contained in this Act but subject to the condition of previous publication, the State Government may, by notification in the *Official Gazette*, and subject to such conditions, if any, as may be stated therein, specify the point of sale at which any goods or class of goods may be taxed, and, on the issue of any such notification, the points of sale in relation to any such goods or class of goods, other than the point of sale so notified, shall be exempt from payment of tax under this Act :

Provided that, no such exemption shall be allowed, unless—

(a) where the point of sale in relation to any such goods or class of goods is prior to the point so notified, the Registered dealer to whom the goods are sold certifies in the prescribed declaration that the goods purchased by him are intended for sale by him ;

(b) where the point of sale in relation to any such goods or class of goods is subsequent to the point so notified, the dealer claiming exemption produces a bill or cash memorandum containing a certificate issued by the selling dealer under section 15.

Determination of sale price and turnover of sales in certain cases. 11. Where in any proceeding under this Act before any authority, such authority has reason to believe that the sale price of any goods shown by the dealer in respect of any transaction of sale between related persons is less than the fair market price by fifteen per cent, or more, then such authority may, after giving a reasonable opportunity of being heard to such dealer, determine the sale price of such goods, and the turnover of sales of such dealer shall be determined accordingly :



Provided that, where a question of determining sale price under this section arises in any proceeding before an authority below the rank of an Assistant Commissioner of Sales Tax, then the said authority shall refer the proceeding to such higher authority (not below the rank of an Assistant Commissioner of Sales Tax), as may be prescribed; and, notwithstanding anything contained in section 96, such proceeding shall be deemed to have been transferred to such higher authority, who shall, after giving the dealer a reasonable opportunity of being heard, determine the sale price of the goods involved in the proceeding and assess or reassess the amount of tax, interest, penalty and forfeiture, if any, due from the dealer, within a period of two years from the date on which such proceeding stands transferred to it.

12. Where any dealer liable to pay tax under this Act, sells any taxable goods,— Tax payable at reduced rate on certain sales.

(1) to an Authorised dealer, who certifies in the prescribed declaration form,—

(a) that the goods will be despatched in the same form in which they were purchased and without doing anything to them which might amount to or result in manufacture thereof or will be used for packing of the goods which will be so despatched within six months from the date of purchase, to his own place of business outside the State for sale or for use in the manufacture of goods for sale outside the State; and

(b) that in respect of the said place of business he or his manager or agent at that place is a Registered dealer under the Central Sales Tax Act, 1956;

(2) to a Commission agent holding a Permit, who certifies in the prescribed declaration form—

(a) that he is registered under the Central Sales Tax Act, 1956; and

(b) that the goods are purchased by him as Commission agent for his principal who is,—

(i) the Central Government, and that the goods will be despatched on behalf of such Government outside the State, or

(ii) a dealer whose place of business is outside the State and who is registered for that place under the Central Sales Tax Act, 1956 and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by the principal, or

(iii) a Registered dealer having a place of business also outside the State and that such principal or his manager or agent is a Registered dealer under the Central Sales Tax Act, 1956 and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by such principal, and

(c) that the goods will be despatched outside the State within six months from the date of their purchase by the Commission agent; and

(d) that he would obtain a declaration in the prescribed form from his principal to the aforesaid effect,

then, notwithstanding anything contained in section 8, on such sale of goods, the dealer shall be liable to pay a sales tax at the rate of four paise in the rupee.

13. There shall not be deducted from the turnover of sales, sales of goods to an Authorised dealer, or a Recognised dealer or to a Commission agent holding a permit purchasing on behalf of his principal, as provided in sections 7 and 8 unless— No deduction from turnover except on declarations.

(a) the authorised dealer certifies in the prescribed declaration that the goods are purchased for resale in the course of inter-State trade or commerce or in the course of export out of the territory of India or for packing of the goods meant for resale in the course of inter-State trade or commerce or in the course of export out

LXX-  
IV of  
1956.

LXX-  
IV of  
1956.

LXX-  
IV of  
1956.

LXX-  
IV of  
1956.

of the territory of India and that such goods will be so resold by himself within nine months or will be so used within nine months from the date of such purchase by himself in the packing of such goods;

(b) the Recognised dealer certifies in the prescribed declaration form—

(i) that the goods purchased by him are covered by Part II of Schedule C; and

(ii) that the said goods are purchased by him for use by him within the State in the manufacture of taxable goods, for sale, which will in fact be so used and sold by him (and will not be given away as samples or otherwise) or in the packing of goods so manufactured;

(c) the Commission agent certifies in the prescribed declaration form that the goods are purchased on behalf of his principal who is an Authorised dealer and the goods will be sold by the principal in the course of inter-State trade or commerce, or in the course of export out of the territory of India, or will be used by him for packing of the goods meant for resale in the course of inter-State trade or commerce or in the course of export out of the territory of India and that the goods will be so resold or so used in the packing of such goods within nine months from the date of their purchase by the Commission agent, and that the Commission agent would obtain a declaration in the prescribed form from his principal to the aforesaid effect;

(d) the Commission agent certifies in the prescribed declaration form—

(i) that the goods are purchased on behalf of his principal who is a Recognised dealer;

(ii) that the goods are covered by Part II of Schedule C;

(iii) that the principal will use the goods within the State in the manufacture of taxable goods for sale, which will in fact be so used and sold by him (and will not be given away as samples or otherwise) or in the packing of the goods so manufactured ; and

(iv) that the Commission agent would obtain a declaration in the prescribed form from his principal to the aforesaid effect;

(e) the Commission agent certifies in the prescribed declaration form—

(i) that he is registered under the Central Sales Tax Act, 1956;

(ii) that his principal is registered under the Central Sales Tax Act, 1956, for his place of business outside the State;

(iii) that the goods are purchased by him for his principal for the purpose of complying with the pre-existing agreement or order entered into by such principal for or in relation to an export out of the territory of India by such principal himself or for packing of the goods for such export and that such goods will be so exported by such principal or will be so used in the packing of such goods ; and

(iv) that he would obtain a declaration in the prescribed form from such principal to the aforesaid effect.

LXX-  
IV of  
1956.

LXX-  
IV of  
1956.

14. The declarations provided under sections 10, 12 and 13 shall not be valid unless signed in the prescribed manner by the Registered dealer, Authorised dealer, Recognised dealer or Commission agent holding a permit or by any person duly authorised by him in the manner prescribed in this behalf.

Declaration  
to be signed  
in the  
prescribed  
manner.

15. There shall not be deducted from the turnover of sales, the resale of goods purchased by a dealer from a Registered dealer, as provided in sections 7, 8 and 10 unless the dealer claiming deduction produces a bill or cash memorandum containing a certificate that the registration certificate of the selling dealer was in force on the date of sale of the goods to him and that the said sale is in the course of business of the selling dealer. Such certificate shall be signed either by the selling dealer himself or by a person duly authorised by him in this behalf.

No deduction from turnover of resales of goods purchased from registered dealers except on certificates.

LXX-  
IV of  
1956.

16. There shall not be deducted from the turnover of sales, the resales of goods purchased by a dealer from a dealer registered under the Central Sales Tax Act, 1956 and who is liable to pay tax under section 4, as provided in sections 7, 8 and 10 unless the dealer claiming deduction produces a bill or cash memorandum containing a certificate that the selling dealer is liable to pay tax under section 4 on the sale of goods to him and that the said sale is in the course of business of the selling dealer. Such certificate shall be signed either by the selling dealer himself or by a person duly authorised by him in this behalf.

No deduction from turnover of resales of goods purchased from other dealer except on certificates.

17. The State Government may, by notification in the *Official Gazette*, direct that on and after such dates as may be specified therein, the form of declaration under section 10 or section 12 or section 13 shall be obtained from the prescribed authority in the prescribed manner on payment of prescribed fee subject to the conditions prescribed in that behalf.

On and after specified dates certain prescribed declaration forms to be obtained from prescribed authority.

18. Where a dealer, who is liable to pay tax under section 3, purchases any goods specified in Schedule B or C from a person, who is not a Registered dealer, then, unless the goods so purchased are resold by the dealer, there shall be levied, subject to the provisions of sub-section (2) of section 7, a purchase tax on the turnover of such purchases at the rates set out against each of such goods in the Schedules aforesaid.

Purchase tax payable on certain purchases of goods from unregistered dealer.

19. Where a Recognised dealer purchases goods on a declaration under clause (b) of section 13, or, as the case may be, a Commission agent holding a Permit purchases goods on behalf of a principal who is a Recognised dealer, on a declaration under clause (d) of section 13, there shall be levied a purchase tax on the turnover of such purchases at the rate of four paise in the rupee.

Purchase tax payable on purchases of goods in Schedule C in certain cases.

20. (1) Where any dealer or a Commission agent has purchased any taxable goods under a declaration given by him under section 10, 12 or 13 and the conditions, recitals and undertakings of such declarations are not complied with, for any reason whatsoever, then such dealer shall be liable to pay purchase tax on the purchase price of such goods in respect of which declarations are furnished to the selling dealer and the purchase tax shall be levied at the rate set out against each of such goods in column 4 of Schedules B and C, and accordingly he shall include the purchase price thereof in his turnover of purchases in his return under section 43 which he is to furnish next thereafter :

Liability to purchase tax for contravention of the terms of declaration.

Provided that, where a Recognised dealer, who has purchased goods mentioned in Part II of Schedule C under a declaration given by him under clause (b) of section 13 and uses them in the manufacture of taxable goods and contrary to the recitals of such declaration despatches the goods so manufactured to his own place of business or to his agent's place of business situated outside the State within India, where he or, as the case may be, his agent is registered under the Central Sales Tax Act, 1956, then the rate of purchase tax shall be five paise in the rupee as against the rate mentioned in column 4 of Schedule C :

LXX-  
IV of  
1956.

Provided further that, where purchase tax is payable by a dealer under sub-section (1) of this section by reason of the fact that he has failed to comply with the conditions, recitals, or undertakings of a declaration issued under section 12 or 13, then an amount equivalent to the tax paid or payable under section 12, or, as the case may be, the purchase tax levied or leviable under section 19, shall be set off against purchase tax so payable.

(2) If, in respect of any transaction by a Commission agent made under a declaration given by him under section 12 or 13, the Commission agent—

(a) purchases the goods at one rate, and passes them on to his principal at an increased rate (such increase not being by reason only of his commission or packing, carriage, freight or insurance of the goods and other reasonable charges incidental to their despatch or charged according to trade practice); or

(b) acts for non-existent principal; or

(c) fails to obtain from his principal a declaration as required under sub-clause (d) of clause (2) of section 12 or clause (c), (d) or (e) of section 13;

the Commission agent shall be liable to pay purchase tax on the purchase price of the goods so purchased and the purchase tax shall be levied at the rates set out against each of such goods in column 4 of Schedules B and C, and accordingly he shall include the purchase price in his turnover of purchases in his return under section 43, which he is to furnish next thereafter:

Provided that, where such purchases are made by furnishing declaration issued under section 12, an amount equal to the tax paid under section 12 shall be set off against the purchase tax so payable.

(3) If any question arises as to whether the purchase price of goods purchased under a declaration given under section 10, 12 or 13 is or is not liable to be included in the turnover of purchases of a dealer or Commission agent under this section, the burden of proving that it shall not be liable to be so included shall be upon such dealer or, as the case may be, the Commission agent.

**Declaration of stock of goods held on the appointed day.** 21. Such class of dealers as may be prescribed and who were liable to pay tax under the Bombay Sales Tax Act, 1959, on the day immediately preceding the appointed day, shall declare the stock of such goods as may be prescribed, held by them on the appointed day, in such manner and with such particulars and to such authority, as may be prescribed in this behalf. Bom. LI of 1959.

**Liability to pay special purchase tax on certain goods in stock.** 22. (1) Where, any dealer who is not liable to pay tax under section 3 of this Act on the appointed day, but was registered under the Bombay Sales Tax Act, 1959, on the day immediately preceding the appointed day, holds in stock on the appointed day any goods purchased by him by furnishing any certificate or declaration under that Act, such dealer shall, notwithstanding anything contained in section 3, be liable to pay special purchase tax on the purchase price of such goods and such special purchase tax shall be levied at the rate specified in section 14 of that Act and all the provisions of this Act shall apply as if such dealer has become liable to pay tax under this Act. Bom. LI of 1959.

(2) Where any person or dealer liable to pay tax under this Act holds in stock on the appointed day any goods purchased by him by furnishing a certificate or declaration under the Bombay Sales Tax Act, 1959, or under any notification issued under section 41 of that Act, and contravenes the recitals of such certificate or declaration after the appointed day, such person or dealer shall be liable to pay special purchase tax on the purchase price of such goods and such special purchase tax shall be levied at the rate specified in section 14 of that Act and all the provisions of this Act shall apply accordingly. Bom. LI of 1959.

23. (1) Where a dealer, liable to pay tax under this Act,—

- (a) dies, or
- (b) transfers or otherwise disposes of his business, in whole or in part or effects any change in the ownership thereof, or
- (c) is a firm, company, society or other association of persons, or a trust, which is dissolved, liquidated, wound up, terminated or revoked, or
- (d) is a Hindu undivided family, and the family is partitioned, or
- (e) discontinues his business,

Liability to purchase tax on certain stocks of goods.

and the stock of goods held by such dealer immediately before any of the aforesaid events occurs includes—

- (i) taxable goods purchased by such dealer from a person, who is not a Registered dealer, and
- (ii) taxable goods purchased by such dealer on a declaration given by him under section 10, 12 or 13,

then the legal representative of such deceased dealer, or as the case may be, such dealer shall be liable to pay purchase tax, as if such representative or dealer had become liable to pay purchase tax under section 18 in respect of goods mentioned in clause (i) or under section 20 in respect of goods mentioned in clause (ii), as the case may be, and the provisions of section 18 or section 20 shall apply accordingly:

Provided that, where the business is continued after any of the aforesaid events, the person continuing such business shall be liable to pay purchase tax under section 18 or 20, as the case may be, and all the provisions of sections 18 and 20 shall apply to such person as if he were a dealer liable to pay tax :

Provided further that, if the person continuing such business shows to the satisfaction of the Commissioner that,

- (a) the goods referred to in clause (i) above have been resold by such person, or
- (b) in respect of goods referred to in clause (ii), the recitals, conditions or undertakings of the declaration given by such dealer under section 10, 12 or 13 are complied with by such person,

then in respect of such goods, no purchase tax shall be levied under this section.

(2) Where the certificate of registration issued to a dealer is cancelled on the ground that in the previous year his turnover of purchases or his turnover of sales did not exceed the relevant limits applicable to him under sub-section (4) of section 3, and the stock of goods held by him immediately before such cancellation includes any taxable goods purchased by him from a person, who is not a Registered dealer or includes taxable goods purchased by him on a declaration given under section 10, 12 or 13, then such dealer shall be liable to pay purchase tax on the purchase price of such goods in stock, as if such dealer had become liable to pay purchase tax under section 18 or 20, as the case may be, and the provisions of section 18 or 20 shall apply accordingly.

(3) Where the certificate issued to a dealer or a person under sub-section (2) of section 59 is cancelled and the stock of goods held by such dealer or person immediately before such cancellation includes taxable goods purchased by him on a declaration given under that section, then such dealer or person shall be liable to pay purchase tax on the purchase price of such goods in stock, as if he had become liable to pay purchase tax under sub-section (3) of section 59, and the provisions of sub-section (3) of section 59 shall apply accordingly.

Levy of additional tax in the case of dealers whose turnover exceeds Rs.10,00,000 a year and manner of payment thereof.

24. (1) For the purpose of raising the resources for implementing the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977, where the turnover either of all sales or of all purchases by any dealer liable to pay tax under section 3 has exceeded ten lakhs of rupees in any year, the tax payable by him shall be increased by the levy of an additional tax at the rate of 6 per cent. of the tax payable by him for that year under the other provisions of this Act. Such additional tax shall be paid by the dealer in addition to the tax levied and payable by him under the other provisions of this Act :

Mah. XX of 1978.

Provided that, in calculating the additional tax payable by the dealer, the tax payable under the other provisions of this Act in respect of sales or purchases of Declared goods, betelnuts, safety matches (excluding matches ordinarily used as fire-works), agricultural machinery and implements and components, etc. to which entry 18 in Part I of Schedule C applies, kerosene, footwear to which entry 42(a) in Part II of Schedule C applies, hydrogenated vegetable oils including *vanaspati* and vegetable non-essential oils to which entry 35 in Part I of Schedule C applies, shall not be taken into consideration.

(2) The additional tax shall be paid by the dealer before furnishing the return for the period in which the turnover either of all sales or of all purchases as computed from the commencement of the year first exceeds ten lakhs of rupees. The tax so payable shall be for the period from the commencement of the year to the end of the period covered by such return and the dealer shall continue to be liable to pay the additional tax for that year for all the subsequent periods till the end of that year.

(3) Notwithstanding anything contained in this Act, no dealer shall be entitled to collect any sum by way of additional tax payable by him under this Act.

Rate of tax on packing materials.

25. Where any goods are sold or purchased and such goods are packed in any materials, the tax shall be leviable on the sales or purchases of such packing materials (whether such materials are separately charged for or not) at the same rate of tax (if any) as is applicable to the sales or purchases, as the case may be, of the goods themselves.

Liability of principal, Commission agent, Auctioneer, etc.

26. (1) Where a Commission agent, or any other agent, by whatever name called, or an auctioneer sells or purchases any goods, then the principal and such Commission agent, agent or auctioneer, as the case may be, shall be jointly and severally liable to pay tax on the turnover of such sales or purchases under the provisions of this Act :

Provided that, if the principal on whose behalf such Commission agent, agent or auctioneer has sold goods, shows to the satisfaction of the Commissioner that the tax has been paid by his Commission agent, agent or auctioneer on such goods, the principal shall not be liable to pay tax again in respect of the same transaction :

Provided further that, if an auctioneer sells goods on behalf of a disclosed principal, where the price of the goods is not recovered by the auctioneer on behalf of such principal, such auctioneer shall not be liable to pay tax in respect of such transaction.

(2) Where a manager or agent of a non-resident dealer, sells or purchases any goods on behalf of a non-resident dealer in the State, then the non-resident dealer and the manager or agent residing in the State shall be jointly and severally liable to pay tax on the turnover of such sales or purchases under the provisions of this Act :

Provided that, if the non-resident dealer shows to the satisfaction of the Commissioner that the tax payable in respect of such sale or purchase has been paid by the manager or agent residing in the State, then the non-resident dealer shall not be liable to pay the tax again in respect of the same transaction.

27. The State Government may, by notification in the *Official Gazette*, reduce any rate of tax specified in Schedule B or C in respect of any entry (or part thereof) in the said Schedules ; and may, by like notification,—

Power to reduce rate of tax and to amend Schedules.

(a) omit or amend any entry (or part thereof), but not so as to enhance the rate of tax in any case ;

(b) transpose any entry by deleting it from one of the Schedules and inserting it in or adding it to another ;

and thereupon, the Schedule shall be deemed to have been amended accordingly.

Any notification issued under this section shall take effect from the date of the publication thereof in the *Official Gazette*, or from such other prospective or retrospective date as may be mentioned therein.

28. Where any entry (or part thereof) is transposed by its deletion from one of the Schedules and its insertion in or addition to another Schedule, then the deductions provided in clause (ii) of sub-section (1) of section 7 or clause (ii) of section 8, as the case may be, shall not apply to the resales of such goods:

No deduction under sections 7 and 8 in certain cases.

Provided that, if it is shown to the satisfaction of the Commissioner that tax has been levied or is leviable on any earlier sale or purchase of such goods, then, on the sale of such goods, an amount equal to the tax so levied or leviable shall be granted by way of set-off, in such manner and subject to such conditions, as may be prescribed.

IX of 1932.

29. Notwithstanding anything contained in the Indian Partnership Act, 1932, or any contract to the contrary, where any firm is liable to pay tax under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment:

Liability of firms.

Provided that, where any such partner retires from the firm, he shall intimate the date of his retirement within 60 days thereof to the Commissioner by a notice in that behalf in writing and he shall be liable to pay tax (including any interest, amount forfeited and penalty) remaining unpaid at the time of his retirement and any tax (including any interest, amount forfeited and penalty) due upto the date of his retirement. He shall be also liable to pay interest upto the date of payment of such tax:

Provided further that, if no such intimation is given within 60 days from the date of retirement, the retiring partner shall continue to be jointly and severally liable to pay tax (including any interest, amount forfeited and penalty) in respect of all the sales and purchases effected after the date of retirement till the day such intimation is received by the Commissioner, as if the retiring partner had not retired. He shall be also liable to pay interest upto the date of payment of such tax.

30. (1) Where a dealer, liable to pay tax under this Act, dies then,—

(a) if the business carried on by the dealer is continued after his death by his legal representative or any other person, such legal representative or other person, shall be liable to pay the tax (including any interest, amount forfeited and penalty) due from such dealer under this Act or under any earlier law, in the like manner and to the same extent as the deceased dealer, whether such tax (including any interest, amount forfeited and penalty) has been assessed before his death but has remained unpaid or is assessed after his death;

Special provision regarding liability to pay tax in certain cases.

(b) if the business carried on by the dealer is discontinued whether before or after his death, his legal representative shall be liable to pay, out of the estate of the deceased, in the like manner and to the same extent as the deceased dealer would have been liable to pay if he had not died, the tax (including any interest, amount forfeited and penalty), due from such dealer under this Act or under any earlier law, whether such tax (including any interest, amount forfeited and penalty) has been assessed before his death but has remained unpaid, or is assessed after his death.

Such legal representative shall, however, be personally liable for any tax (including any interest, amount forfeited and penalty) payable by him in his capacity as a legal representative if, while his liability for tax (including any interest, amount forfeited and penalty) remains undischarged, he creates a charge on or disposes of or parts with any assets of the estate of the deceased, which are in, or may come into his possession, but such personal liability shall be limited to the value of the assets, so charged, disposed of or parted with. He shall be also liable to pay interest upto the date of payment of such tax.

*Explanation* — For the purpose of the proceedings under this Act,—

(i) any proceedings taken against the deceased before his death shall be deemed to have been taken against the legal representative and may be continued against the legal representative from the stage at which they stood on the date of death of the deceased;

(ii) any proceedings which could have been taken against the deceased if he had not died, may be taken against the legal representative;

(iii) all the provisions of this Act shall apply accordingly as if the legal representative were the dealer himself;

(iv) any notice issued under this Act or under any earlier law or under the rules made under this Act or such earlier law shall be served on the legal representative and, if there be more than one legal representatives, on all of them, who are ascertained after diligent and *bona fide* inquiry by the Commissioner to be the legal representatives of the deceased dealer, and on such service of notice it shall be deemed to be sufficient notice to all legal representatives of the deceased dealer.

(2) Where a dealer, liable to pay tax under this Act, is a Hindu undivided family, and the joint family property is partitioned amongst the various members or group of members, then each member or group of members shall be jointly and severally liable to pay the tax (including any interest, amount forfeited and penalty) due from the dealer under this Act or under any earlier law up to the time of the partition, and the interest due on such tax upto the date of payment thereof, whether such tax (including any interest, amount forfeited and penalty) has been assessed before partition but has remained unpaid, or is assessed after partition:

Provided that, on the partition of the Hindu undivided family, the Karta or any member of such family, shall intimate the date of partition of the family within 60 days thereof to the Commissioner by a notice in writing in that behalf:

Provided further that, if no such intimation is given within 60 days from the date of partition, the liability of every member of such family shall continue in respect of any business done by any member or group of members after the date of partition until the date on which such intimation is received by the Commissioner:

Provided also that, where such Hindu undivided family is partitioned, the tax payable under this Act by such Hindu undivided family upto the date of partition, shall be assessed, as if no such partition had taken place and a notice in respect of such assessment of the Hindu undivided family shall be served on the person who was the last manager of the Hindu undivided family, or, if such person is dead, on all adults who were members of the Hindu undivided family immediately before the partition.



(3) Where a dealer, liable to pay tax under this Act, is a firm or an association of persons and such firm or association is dissolved, then—

(a) the tax payable under this Act by such firm or association up to the date of dissolution shall be assessed as if no such dissolution has taken place;

(b) every person, who was at the time of such dissolution, partner of such firm or member of such association, shall, notwithstanding such dissolution, be liable jointly and severally for the tax (including any interest, amount forfeited and penalty) due from the firm or the association and the interest due on such tax upto the date of payment thereof, whether such tax (including any interest, amount forfeited and penalty) has been assessed prior to or after such dissolution and subject as aforesaid, the provisions of this Act shall, so far as may be, apply as if every such partner or member were himself a dealer:

Provided that, on dissolution of the firm or association any partner of the firm or as the case may be any member of the association shall intimate the date of dissolution within 60 days thereof to the Commissioner by a notice in writing in that behalf:

Provided further that, if no such intimation is given within 60 days from the date of dissolution, the liability of every partner of the firm or as the case may be of every member of the association shall continue in respect of any business done by any partner or group of partners of the firm or any member or group of members of the association, after the date of dissolution until the date on which such intimation is received by the Commissioner:

Provided also that, where the partner of a firm or member of association liable to pay such tax (including any interest, amount forfeited and penalty) dies then the provisions of sub-section (1) shall, so far as may be, apply:

Provided also that, where a firm or association of persons is dissolved, a notice under this Act in respect of the liability of the firm or association to pay tax may be served on all the partners of the firm (not being a minor) or all the members of the governing body of the association, who had represented the firm or association, as the case may be, immediately before its dissolution, and on such service of notice it shall be deemed to be sufficient notice to all partners of the dissolved firm or all members of the dissolved association, as the case may be.

(4) Where a dealer, liable to pay tax under this Act, transfers or otherwise disposes of his business in whole or in part, by a sale, gift, lease, leave and licence, hire or in any other manner whatsoever, the dealer and the person to whom the business is so transferred shall, jointly and severally, be liable to pay the tax (including any interest, amount forfeited and penalty) due from the dealer under this Act or under any earlier law upto the time of such transfer, and interest due on such tax upto the date of payment thereof, whether such tax (including interest, amount forfeited and penalty) has been assessed before transfer but has remained unpaid, or is assessed thereafter :

Provided that, where the dealer transfers his business, such dealer and the person to whom the business is so transferred shall, within 60 days from the date of transfer, give intimation to that effect to the Commissioner by a notice in writing:

Provided further that, if no such intimation is given within the aforesaid period by the transferor or the transferee, the transferor and the transferee shall be liable to pay tax on all the sales and purchases effected after the date of transfer till the date on which such intimation is received by the Commissioner, as if the business was conducted after the transfer by the transferor and the transferee jointly :

Provided also that, when such intimation is not given within the aforesaid period of 60 days, any notice under this Act or the rules made thereunder issued to the transferor shall be deemed to be a notice issued to the transferee also and all the provisions of this Act shall, so far as may be, apply as if the transferor and the transferee were given due notice of the proceedings under this Act and no order passed shall be invalid merely on the ground that the transferee was not made a party to the said proceedings.

*Explanation.*—For the purpose of this sub-section, where the business is transferred in whole or in part by lease, leave or licence or hire, and on termination or expiry of the period of such agreements, the business reverts to the lessor, licensor or hirer, then such lessor, licensor or hirer, as the case may be, shall be deemed to be the transferee of the business.

(5) Where the dealer, liable to pay tax under this Act—

(a) is the guardian of a ward on whose behalf the business is carried on by the guardian, or

(b) are trustees who carry on the business under a trust for a beneficiary,

then, if the guardianship or trusteeship is terminated, the ward or, as the case may be, the beneficiary shall be liable to pay the tax (including any interest, amount forfeited and penalty) due from the dealer upto the time of the termination of the guardianship or trusteeship, and the interest due on such tax upto the date of payment thereof whether such tax (including any interest, amount forfeited and penalty) has been assessed before the termination of the guardianship or trusteeship but has remained unpaid, or is assessed thereafter.

(6) Where a dealer liable to pay tax under this Act, is succeeded in the business by any person in the manner described in clause (a) of sub-section (1) or becomes a transferee under the provisions of sub-section (4), then such person or transferee shall, notwithstanding anything contained in section 3, be liable to pay tax on the sales or purchases of goods made by him on or after the date of such succession or transfer and shall (unless he already holds a certificate of registration) within 60 days thereof apply for registration, and if he is already a Registered dealer, he shall apply within prescribed time for necessary amendment of his registration certificate :

Provided that, where such person resells any goods purchased by the dealer while carrying on business before such succession or transfer, he shall be entitled to such deductions in respect thereof as are permissible under section 7, 8 or 10 as the case may be, had the resale been effected by the dealer himself.

### CHAPTER III

#### SALES TAX AUTHORITIES, TRIBUNAL AND SETTLEMENT COMMISSION

**31.** (1) For carrying out the purposes of this Act, the State Government shall appoint an officer to be called the Commissioner of Sales Tax.

(2) Likewise, the State Government may appoint one or more Additional Commissioners of Sales Tax and such number of—

(a) Deputy Commissioners of Sales Tax,

(b) Assistant Commissioners of Sales Tax,

(c) Sales Tax Officers, and

(d) other officers and persons, and give them such designations (if any), as the State Government thinks necessary.

(3) The Commissioner shall have jurisdiction over the whole of the State of Maharashtra. The Additional Commissioners of Sales Tax shall have jurisdiction over the whole of the State, or where the State Government so directs, over any local area thereof. The Deputy Commissioners shall have jurisdiction over any local areas as the State Government may specify, or where the State Government so directs, over the whole of the State. All other officers shall have jurisdiction over such local areas as the State Government may specify.

(4) The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act, and an Additional Commissioner shall, save as otherwise directed by the State Government have and exercise within his jurisdiction all the powers and perform all the duties conferred or imposed on the Commissioner by or under this Act.

(5) A Deputy Commissioner shall, save as otherwise directed by the State Government, have and exercise in the area within his jurisdiction all the powers and shall perform all the duties, conferred or imposed on the Commissioner, by or under this Act.

(6) The Assistant Commissioners, Sales Tax Officers and other officers shall, within their jurisdiction, exercise such of the powers and perform such of the duties of the Commissioner under this Act, as the Commissioner may, subject to such conditions and restrictions as the State Government may by general or special order impose, by order in writing delegate to them either generally, or as respects any particular matter or class of matters.

(7) The State Government may, subject to such restrictions and conditions (if any) as it may impose, by notification in the *Official Gazette*, delegate to the Commissioner the powers (not being powers relating to the appointment of Additional Commissioners) conferred on that Government by or under this section.

(8) No person shall be entitled to call in question the territorial jurisdiction of any officer or person appointed under sub-section (2) after the expiry of 60 days from the date of receipt by such person of any notice under this Act or under any earlier law, issued by such officer or person. If within the period aforesaid, an objection is raised as to the jurisdiction of any such officer or person by submitting a memorandum to him, the officer or person shall refer the question to the Commissioner, who shall after giving the person raising the objection a reasonable opportunity of being heard, make an order determining the question. The order made by the Commissioner shall be final.

(9) All officers and persons appointed under sub-section (2) shall be subordinate to the Commissioner, and the subordination of officers (other than the Commissioner), and of persons, amongst themselves shall be such as may be prescribed.

(10) (a) The Commissioner may, from time to time, issue such orders, instructions and directions to the Sales Tax authorities appointed under this section as he may deem fit for carrying out the purposes of this Act, and such authorities and all other persons appointed under the Act shall observe and follow such orders, instructions and directions of the Commissioner :

Provided that, no such orders, instructions or directions shall be issued—

(i) so as to require any sales tax authority to make a particular assessment or to dispose of a particular case in a particular manner; or

(ii) so as to interfere with the discretion of the sales tax authorities in the exercise of their appellate functions.

(b) Without prejudice to the generality of the foregoing powers, the Commissioner may, if he considers it necessary or expedient so to do, for the purpose of proper and effective management of the work of assessment and collection of revenue, issue from time to time, general or special orders in respect of any class of sales or purchases or class of dealers, setting forth directions or instructions not being prejudicial to the dealers as to the guidelines, principles or procedures to be followed by other sales tax authorities in the work relating to assessment or collection of revenue or the imposition of penalties or calculation of interest and any such order may, if the Commissioner is of the opinion that it is necessary in the public interest so to do, be published and circulated in the prescribed manner for general information.

Tribunal. 32. (1) There shall be a Tribunal to be called "the Maharashtra Sales Tax Tribunal". Subject to the provisions of this section, the Tribunal shall consist of such number of members appointed by the State Government as that Government may from time to time consider necessary for the proper discharge of the functions conferred on the Tribunal by or under this Act.

(2) The State Government shall appoint one of the members of the Tribunal to be the President thereof.

(3) The qualifications of the members constituting the Tribunal shall be such as may be prescribed, and a member shall hold office for such period as the State Government may fix in his case.

(4) Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.

(5) The functions of the Tribunal may be discharged by any Bench consisting of the members sitting either singly, or of two or more members, as may be determined by the President.

(6) If the members of a Bench are divided, the decision shall be the decision of the majority, if there be a majority. But if the members are equally divided, they shall state the point or points on which they differ and the case shall be referred by the President for hearing on such point or points to one or more of the other members of the Tribunal, and such point or points shall be decided according to the majority of the members of the Tribunal who heard the case upon such reference including those who first heard it.

(7) If a bench is of the opinion that an earlier decision of any Bench on any point requires reconsideration, or where such Bench is inclined to take a decision contrary to the decision already taken by any Bench of the Tribunal, then such Bench shall refer the point or the case to the President for formation of a larger Bench. The President may thereupon form a larger Bench of such number of members of the Tribunal, as he may determine. Such larger Bench shall as far as practicable be presided over by the President. The point or the case shall be decided according to the decision of the majority of the members constituting such larger Bench. Where the President is sitting singly he may in similar circumstances form a larger Bench for the disposal of such point or the case.

(8) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award costs, and the amount of such costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

(9) Subject to the previous sanction of the State Government, the Tribunal shall, for the purpose of regulating its procedure (including the constitution of Bench or Benches and the place or places at which the Tribunal, the Benches or the members thereof shall sit) and or disposal of its business, make regulations consistent with the provisions of this Act and the rules.

(10) The regulations made under sub-section (9) shall be published in the *Official Gazette*.

33. (1) The State Government may, by notification in the *Official Gazette*, constitute a Commission to be called the "Maharashtra Sales Tax Settlement Commission" for the settlement of tax liability (including interest and penalty) under the provisions of this Act, or any earlier law. Settlement Commission.

(2) Such Commission shall consist of such number of members as may be appointed by the State Government, as it may from time to time consider necessary for the proper discharge of the functions conferred on the Commission under this Act.

(3) The State Government shall appoint one of the members of the Commission to be the Chairman thereof.

(4) The functions of the Commission may be discharged by the members sitting in Benches of two or more members of the Commission.

(5) The qualifications of the members of the Commission shall be such as may be prescribed, and a member shall hold office for such period, as the State Government may fix in his case.

(6) Subject to the previous sanction of the State Government, the Commission shall for the purpose of regulating its procedure and disposal of its business, make regulations consistent with the provisions of this Act and the rules.

(7) The regulations made under sub-section (6) shall be published in the *Official Gazette*.

## CHAPTER IV

### REGISTRATION, AUTHORIZATION, RECOGNITION AND PERMIT

34. (1) No dealer shall, while being liable to pay tax under section 3 or under sub-section (6) of section 30, carry on business as a dealer, unless he possesses a valid certificate of registration as provided by this Act : Registration.

Provided that, the provisions of this sub-section shall not be deemed to have been contravened, during the period from the date of application for registration as in this section provided, within the prescribed time or, as the case may be, within the period specified in sub-section (6) of section 30 till the date of the grant of registration certificate.

(2) Every dealer, required by sub-section (1) to possess a certificate of registration, shall apply in the prescribed manner, to the prescribed authority.

(3) On receipt of application, the prescribed authority may conduct such enquiry as it deems fit and may also call for such evidence and information as may be necessary and if the said authority is satisfied after considering the evidence and information that an application for registration is in order, it shall register the applicant and issue to him a certificate of registration in the prescribed form and such registration certificate shall be exhibited in the manner prescribed in this behalf.

(4) When the prescribed authority is satisfied that the particulars contained in the application are not correct and complete, or that the information called for is not furnished, he shall reject the application for registration for reasons to be recorded in writing :

Provided that, no application shall be rejected under this sub-section unless the applicant is given a reasonable opportunity of being heard.

(5) The prescribed authority may, on its own motion, for reasons to be recorded in writing, or after considering any information furnished under any provisions of this Act or otherwise received by it, amend, from time to time, any certificate of registration:

Provided that, no such amendment which will adversely affect any person shall be made unless such person is given a reasonable opportunity of being heard.

(6) If any person upon an application made by him has been registered as a dealer under this section, and thereafter it is found that he ought not to have been so registered under the provisions of this section, he shall be liable to pay tax on his sales or purchases made from the date on which his registration certificate took effect until it is cancelled notwithstanding whether he is a dealer or not or is a dealer not liable to pay tax under section 3 or sub-section (6) of section 30.

(7) Where—

(a) any business, in respect of which a certificate of registration has been issued under this section, has been discontinued, or has been transferred or otherwise disposed of, or

(b) neither the turnover of sales nor the turnover of purchases of a Registered dealer has during any year exceeded the relevant limit specified in sub-section (4) of section 3,

and the dealer applies in the prescribed manner for cancellation of his registration, the prescribed authority shall cancel the registration with effect from such date as it may fix in accordance with the rules :

Provided that, where the Commissioner is satisfied that any business in respect of which a certificate has been issued under this section has been discontinued or transferred or disposed of and the dealer has failed to apply as aforesaid for cancellation of registration, the Commissioner may, after giving the dealer a reasonable opportunity of being heard, cancel the registration with effect from such date (which shall not be earlier than five years from the date of order of cancellation) as he may fix to be the date from which the business has been discontinued or transferred or disposed of, as the case may be;

and thereupon such dealer shall surrender the certificate of registration to the Commissioner within 7 days from the date of receipt of the order by him. The order of such cancellation shall be published in the prescribed manner:

Provided further that, for the purposes of this Act, such dealer shall not be deemed to be a Registered dealer under this Act with effect from the date of cancellation so fixed :

Provided also that, the cancellation of a certificate of registration on an application of the dealer or otherwise, shall not affect the liability of the dealer to pay the tax (including any interest, amount forfeited and penalty) due for any period prior to the date of cancellation and the interest due on such tax upto the date of payment thereof, whether such tax (including any interest, amount forfeited and penalty) is assessed before the date of cancellation but remains unpaid, or is assessed thereafter.

(8) (a) The Commissioner shall, after such date as may be notified by the State Government by an order published in the *Official Gazette*, prepare a list of all the Registered dealers within such period as may be specified in such order. Such list shall contain such particulars and shall be maintained in such manner as may be prescribed.

(b) Any Registered dealer may make an application in the prescribed form, accompanied by the prescribed fees, for a certified copy of any extract from such list to the Commissioner who shall furnish such copy to the Registered dealer by post or hand delivery.

35. Where, during the previous or current year, the turnover of sales of a registered dealer of goods — Authori-  
zation.

(a) which are exported by him from the State outside the territory of India,

(b) which are sold by him in the course of inter-State trade or commerce, and

(c) which are despatched by him from the State to any place in India outside the State,

exceeds Rs. 60,000 he may apply for an Authorization to the Commissioner. Subject to the provisions of section 38 the Commissioner shall, if the Registered dealer satisfies such further requirements (including the furnishing of adequate security) as may be prescribed, issue to him an Authorization in such form and subject to such conditions, as may be prescribed.

*Explanation.*—Where a Registered dealer has, during the year commencing on the first day of April 1978, been a dealer registered under an earlier law, and the turnover of sales made by him during that year of goods which are sold in the course of inter-State trade or commerce from the State or which are exported by him from the State to a place outside the territory of India or which are despatched by him from the State to any place in India outside the State had exceeded Rs. 60,000, he may also apply under this section for an Authorization to the Commissioner, and the Commissioner shall issue to him an Authorization in the manner aforesaid.

36. Where during the previous or current year, the value of taxable goods manufactured by a Registered dealer for sale by him exceeds Rs. 5,000 he may apply for Recognition to the Commissioner. Subject to the provisions of section 38, the Commissioner shall, in respect of any goods specified in Part II of Schedule C required by the dealer for use within the State in the manufacture of taxable goods for sale by him or in the packing of goods so manufactured, if the dealer satisfies such further requirements (including the furnishing of adequate security) as may be prescribed, issue to him a Recognition in such form and on such conditions, as may be prescribed;

*Explanation.*—Where a Registered dealer has during the year commencing on the first day of April 1978 been a dealer registered under an earlier law, and the value of all taxable goods manufactured by him during that year exceeded Rs. 5,000, he may also apply under this section for Recognition to the Commissioner, and the Commissioner shall issue to him a Recognition in the manner aforesaid.

37. A Registered dealer, who *bona fide* buys or sells for an agreed commission any goods on behalf of a principal mentioned in his account in respect of each transaction and whose turnover of such purchases during the previous year or current year exceeds Rs. 60,000 may apply in the prescribed manner for a Permit to the Commissioner. Subject to the provisions of section 38, the Commissioner shall, if the dealer satisfies such further requirements (including the furnishing of adequate security) as may be prescribed, issue to him a Permit in such form, and subject to such conditions, as may be prescribed.

*Explanation.*—Where a Registered dealer has during the year commencing on the first day of April 1978 been a dealer registered under an earlier law, and the turnover of purchases made by him during that year on behalf of a principal had exceeded Rs. 60,000, he may also apply under this section for a Permit to the Commissioner, and the Commissioner shall issue to him a Permit in the manner aforesaid.

38. The Commissioner may, after giving reasonable opportunity of being heard, refuse to grant Authorization, Recognition or, as the case may be, Permit to a dealer under any of the following circumstances, that is to say,—

(a) if any Authorization, Recognition or, as the case may be, a Permit previously granted under this Act to such dealer has been cancelled in the circumstances other than those referred to in sub-section (1) of section 39;

(b) during any period of suspension of the dealer's Authorization, Recognition or, as the case may be, Permit;

(c) if the dealer—

(i) has failed to pay any tax (including any interest and penalty) due from him by or under any provision of this Act, or any earlier law; or

(ii) has failed, without sufficient cause, to furnish any returns required to be furnished by or under the provisions of this Act (other than the provisions of section 73), or any earlier law; or

(iii) is an undischarged insolvent, or

(iv) has been convicted of an offence under this Act or any earlier law;

(d) if a dealer is a firm, and any partner thereof is a person—

(i) whose Authorization, Recognition or Permit, as the case may be, has been cancelled in the circumstances referred to in clause (a), or

(ii) to whom an Authorization, Recognition or Permit, as the case may be, was previously refused in the circumstances referred to in clause (c);

(e) if the Commissioner has reason to believe that the grant of such Authorization, Recognition or Permit, as the case may be, to a dealer under this Act is likely to be prejudicial to the interest of the revenue.

39. (1) If—

(a) the registration of an Authorised dealer, Recognised dealer or Commission agent holding a Permit, is cancelled; or

(b) in any year,—

(i) the turnover of sales of an Authorised dealer or, as the case may be, the turnover of purchases of a Commission agent holding a permit fails to exceed the amount requisite for the grant of Authorization or Permit, or

(ii) the value of taxable goods manufactured by a recognised dealer for sale by him fails to exceed the amount requisite for the grant of a Recognition or;

(c) the Authorised dealer, Recognised dealer or Commission agent holding a Permit, does not wish to continue to have an Authorization, Recognition or Permit,

then in the circumstances stated—

(i) in clause (a), the dealer shall forthwith,

(ii) in clause (b), the dealer shall within fifteen days from the end of such year,

Commissioner may refuse Authorization etc.

Cancellation or suspension of Authorization etc.



(iii) in clause (c), the dealer may at any time,

surrender his Authorization, Recognition or Permit to the Commissioner for cancellation, and the Commissioner shall cancel the Authorization, Recognition, or as the case may be, the Permit, and accordingly in the circumstances stated in clause (a) the Authorization, Recognition or Permit shall stand cancelled from the date of cancellation of the registration, and in any other case it shall cease to have effect from the date on which it is surrendered for cancellation.

(2) If any Authorised dealer, Recognised dealer or Commission agent holding a Permit—

(a) fails to pay any tax (including any interest, amount forfeited and penalty) due from him under any provisions of this Act, or of any earlier law,

(b) contravenes or has contravened any provisions of this Act or any condition of his Authorization, Recognition or Permit, or

(c) becomes an insolvent, or

(d) has been convicted of an offence under this Act or any earlier law, or

(e) if the Commissioner has reason to believe that the continuance of the Authorization, Recognition or Permit, as the case may be, granted to a dealer under this Act is likely to be prejudicial to the interest of the revenue,

the Commissioner may, after giving the Authorised dealer, Recognised dealer or, as the case may be, the Commission agent, a reasonable opportunity of being heard, suspend the Authorization, Recognition or, as the case may be, the Permit, for such period as he thinks fit, or cancel it. Thereupon, in either case, such dealer shall, within 7 days of receipt by him of the order of suspension or cancellation surrender the Authorisation, Recognition or Permit, as the case may be, to the Commissioner.

40. Save as otherwise provided in section 42, a certificate of Registration, Authorization, Recognition or Permit granted to a dealer and a certificate granted under section 59 to any person shall be personal to the dealer or person to whom it is granted, and shall not be transferable.

Non-transferability of Registration, Authorization etc.

41. (1) If any dealer or person liable to pay tax under this Act—

(a) transfers or otherwise disposes of his business or any part thereof, or effects or knows of any other change in the ownership of the business, or

(b) discontinues his business, or changes place thereof or opens a new place of business including a godown or a warehouse or any place where he stores his goods, or

(c) changes the name or nature of his business, or the classes of goods in which he has dealings, or

(d) being a manufacturer, effects any change in the classes of goods manufactured by him, or

(e) enters into a partnership or other association in regard to his business, or

(f) applies for insolvency or liquidation or has an application made against him for insolvency or liquidation, as the case may be,

he shall within the prescribed time, inform the prescribed authority accordingly.

(2) Where any dealer liable to pay tax under this Act—

(a) dies, his executor, administrator or legal representative, or

Information to be furnished regarding changes in business etc.

(b) where he is a firm, a Hindu undivided family or an association of persons and there is a change in the constitution of such firm, Hindu undivided family or association, either by way of dissolution or disruption, or otherwise, then, every person who was a partner, Karta, or a member of such firm, a Hindu undivided family or association, or

(c) transfers or otherwise disposes of his business in the circumstances mentioned in sub-section (4) of section 30 then, every person to whom the business is so transferred,

shall in the like manner inform the said authority of such death, change in the constitution, dissolution, disruption or transfer.

Certificate  
of  
registration,  
etc. to  
continue in  
certain  
circum-  
stances.

42. Where a Registered dealer—

(a) effects change in the name of his business, or

(b) is a firm, and there is change in the constitution of the firm without dissolution thereof, or

(c) is a trustee of a trust, and there is change in the trustees thereof, or

(d) is a guardian of a ward, and there is a change in the guardian or termination of guardianship,

then, merely by reason of any of the circumstances aforesaid, it shall not be necessary for the dealer, or the firm with the changed constitution, or the new trustees, or the new guardian or the ward whose guardianship has so terminated to apply for a fresh certificate of registration and on information being furnished in the manner required by section 41, the certificate of registration shall be amended; and any Authorization, Recognition or Permit granted to the Registered dealer prior to any such change as is mentioned aforesaid shall, subject to the provisions of section 39, also continue to be valid, as also any declaration given under section 10, 12 or 13.

## CHAPTER V

### RETURNS, ASSESSMENT, PAYMENT, INTEREST, PENALTY, RECOVERY AND REFUND OF TAX

**Returns.** 43. (1) Every Registered dealer shall furnish such returns, in such forms, for such periods, by such dates, and to such authority, through such agency, if any, as may be prescribed :

Provided that, the Commissioner may, subject to such terms and conditions as may be prescribed, exempt any such dealer from furnishing such returns or permit any such dealer—

(a) to furnish them for such different period, or

(b) to furnish a consolidated return relating to all or any of the places of business of the dealer in the State for the said period, or for such different period, to such authority, through such agency, if any, as he may direct.

(2) If the Commissioner has reason to believe—

(a) that the turnover of sales or the turnover of purchases of any dealer is likely to exceed the relevant limits specified in sub-section (4) of section 3 for liability to pay tax, or

(b) that either the turnover of sales or the turnover of purchases of any dealer has during any year exceeded—

(i) Rs. 15,000 in the case of a dealer who is an importer or manufacturer, or

(ii) Rs. 50,000 in the case of any other dealer,

he may, by notice served in the prescribed manner, require such dealer to furnish returns as if he were a Registered dealer; but no tax will be payable by such dealer, unless his turnover exceeds the relevant limits specified in sub-section (4) of section 3, nor otherwise than in accordance with the other provisions of this Act.

(3) If any dealer having furnished returns under sub-section (1) or (2), discovers any omission or incorrect statement therein, he may furnish a revised return before the expiry of three months next following the last date prescribed for furnishing the original return.

44. (1) The amount of tax due from a dealer liable to pay tax shall be assessed separately for each year during which he is so liable: Assessment of taxes.

Provided that, the Commissioner may, for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year:

Provided further that, when a Registered dealer fails to furnish any return relating to any period of any year, by the prescribed date, the Commissioner may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year.

(2) If the Commissioner is satisfied that the returns furnished by a Registered dealer in respect of any period are correct and complete, he shall assess the amount of tax due from the dealer on the basis of such returns.

(3) If the Commissioner is not satisfied that the returns furnished by a Registered dealer by the prescribed date in respect of any period are correct and complete, and he thinks it necessary to require the presence of the dealer or the production of further evidence, he shall serve on such dealer in the prescribed manner a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which such dealer relies in support of his returns, or to produce such evidence as may be called for by the Commissioner.

On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess the amount of tax due from the dealer.

(4) If a Registered dealer fails to comply with the terms of any notice issued under sub-section (3), the Commissioner shall assess, to the best of his judgement, the amount of tax due from him.

(5) If a Registered dealer does not furnish returns in respect of any period by the prescribed date, the Commissioner shall, at any time within five years from the end of the year in which such period occurs, after giving the dealer a reasonable opportunity of being heard, proceed to assess, to the best of his judgement, the amount of tax (if any) due from him for such year.

(6) If the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration or failed to apply for registration within the prescribed time or failed to obtain registration as required by section 34, the Commissioner shall, at any time within eight years from the end of the year in which such period occurs, proceed to assess, to the best of his judgement, the amount of tax (if any) due from the dealer in respect of that period, and any period or periods subsequent thereto. No order under this sub-section shall be passed without giving the dealer a reasonable opportunity of being heard.

(7) Where the Commissioner is not satisfied about the correctness or the completeness of the accounts of a dealer, or where no method of accounting has been regularly employed by a dealer, the Commissioner may, after giving the dealer a reasonable opportunity of being heard, assess under the aforesaid provisions, to the best of his judgement, the amount of tax (if any) due from him.

(8) Any assessment made under this section shall be without prejudice to any interest, penalty or prosecution for an offence under this Act.

(9) (a) Where all the returns are filed by a Registered dealer for any year covered by earlier laws on or before the appointed day, no order of assessment in respect of that year shall be made under the provisions of the earlier laws corresponding to sub-sections (3) or (4) of this section after the expiry of thirty-six months from the appointed day; and if for any reasons such order is not made within the period aforesaid; then the returns so filed shall be deemed to have been accepted as correct and complete for assessing the tax due from such dealer.

(b) Where all the returns are filed by a registered dealer for any year under this Act by the prescribed dates, no order of assessment under sub-section (3) or (4) in respect of that year shall be made after the expiry of three years from the end of the said year; and if for any reasons such order is not made within the period aforesaid, then the returns so filed shall be deemed to have been accepted as correct and complete for assessing the tax due from such dealer:

Provided that, where a fresh assessment has to be made to give effect to any finding or direction contained in any order made under the corresponding provisions of any earlier law, or to any order of the Tribunal or the High Court or the Supreme Court, such assessment shall be made within thirty-six months from the date of such finding, direction or order, as the case may be :

Provided further that, in computing any period of limitation laid down in this section, the time during which the assessment remained stayed under the order of the Tribunal or of the High Court, or the Supreme Court shall stand excluded :

Provided also that, the Commissioner may, in the interest of the revenue, issue directions not to proceed with the assessment of any particular dealer or class of dealers for any particular period, if such assessment involves a decision on a point which is concluded against the State by a judgment of the Tribunal or the High Court and the State Government or the Commissioner has initiated any proceedings against such judgment before an appropriate forum. The period covered by such direction to stay the assessment proceeding shall be excluded in computing the period of limitation laid down in this section.

(10) Notwithstanding anything contained in this section, where any order of settlement passed by the Settlement Commission under section 80 has become void under sub-section (6) of that section, then the assessment may be completed within two years from the date on which such settlement has been declared to be void.

**Applicability of all the provisions of this Act or earlier law to person liable to pay tax under section 30.** 45. Where in respect of any tax (including any interest, amount forfeited and penalty) due from a dealer under this Act or under any earlier law, any other person is liable for the payment thereof under section 30, all the relevant provisions of this Act or, as the case may be, of the earlier law, shall in respect of such liability apply to, such person also, as if he were the dealer himself.

**Reassessment of turnover part thereof escaping assessment, under assessed etc.** 46. (1) If, after a dealer has been assessed under section 44, for any year or part thereof, the Commissioner has reason to believe that any turnover of sales or turnover of purchases of any goods has in respect of that year or part thereof escaped assessment, or has been under-assessed or assessed at a lower rate, or that any deduction has been wrongly made or any draw-back, set-off, refund or reimbursement has been wrongly granted, then the Commissioner may,—

(a) where he has reason to believe that the dealer has concealed such sales or purchases or any material particulars relating thereto or has knowingly furnished incorrect returns or has made a false claim for deduction, draw-back, set-off, refund or reimbursement, at any time within eight years, and

(b) in any other case at any time within five years,

of the end of that year, may proceed to assess or reassess, to the best of his judgment, the amount of tax due from such dealer :

Provided that, no order shall be passed under this section without giving the dealer a reasonable opportunity of being heard :

Provided further that, the amount of tax shall be assessed at the rates at which it would have been assessed had there been no under assessment or escapement, but after making deductions, (if any), permitted from time to time, by or under this Act :

Provided also that, where in respect of such sales or purchases the rate of tax at which such transactions have been assessed or the deductions of such transactions from the total turnover for computing the taxable turnover or the draw-back, set-off, refund or reimbursement, in respect of such transactions, as the case may be, was in dispute before the appellate or revising authority and an order has already been passed in respect thereof in appeal or revision under this Act, then the Commissioner shall make a report to the appropriate appellate or revising authority under this Act, which shall thereupon after giving the dealer concerned a reasonable opportunity of being heard, pass such order as it deems fit.

(2) Nothing in sub-section (1) shall apply to any proceedings (including any notice issued) under section 79 or 85.

(3) Nothing in section 79 or 85 shall affect a proceeding under this section.

47. (1) Where the assessment under section 44, reassessment under section 46, Part revision under sub-section (1) of section 79 or rectification under section 85 involves a decision on a point which is concluded against the State by a judgment of the Tribunal or the High Court and the State has initiated appropriate proceedings against such judgement before a higher forum, the Commissioner may, after giving the dealer a reasonable opportunity of being heard and for reasons to be recorded in writing, keep the decision on such point in abeyance and proceed to complete the assessment, reassessment, revision or rectification under those respective sections in all other respects. assessment of taxes.

(2) The assessment, reassessment, revision or rectification in respect of the point kept in abeyance under sub-section (1) shall be completed under section 44, section 46, sub-section (1) of section 79 or section 85, as the case may be, within one year from the date of the judgment of the higher forum or within the time specified in those sections, whichever is later.

48. Where a dealer assessed or re-assessed under sub-section (4), (5) or (6) of section 44 or under section 46 makes an application in the prescribed form to the Commissioner, within 30 days from the date of service of the order of assessment or re-assessment, for cancellation of such order, on the ground— Reopening of assessment or re-assessment at the instance of dealer.

(i) that he did not receive notice of the date of hearing from the Commissioner for assessment or re-assessment under the aforesaid sections, or

(ii) that he did not get reasonable opportunity to comply with the requirements of such notice or that he was prevented by sufficient cause from so complying, then the Commissioner shall, if satisfied about the existence of such grounds, cancel such order and proceed to make a fresh assessment or re-assessment in accordance with the provisions of this Act :

Provided that, no application shall be entertained under this section unless,—

(i) the dealer furnishes return or returns for the period of assessment or re-assessment (if not already furnished), and

(ii) the dealer declares that no appeal under section 77 has been preferred against such order on the aforesaid grounds and also undertakes not to prefer an appeal against such order on such grounds :

Provided further that, if the Commissioner rejects such application by reason of the fact that he is not satisfied about the existence of the aforesaid grounds and the dealer prefers appeal or revision application against such rejection, then notwithstanding anything contained in the first proviso, the grounds of such appeal or revision may include all or any of the grounds which could have been included in an appeal or revision application against such order of assessment or re-assessment.

Levy and  
calculation  
of interest.

49. (1) (a) Where any Registered dealer or any person has furnished returns, whether within the prescribed time or not, but has not paid the tax due as per the said returns either fully or partially, then he shall be liable to pay interest on the amount of tax due as per the returns at the rate of two per cent. per month from the date by which he was required to furnish the returns by or under the provisions of this Act, upto the date of payment ;

(b) where any Registered dealer or any person has furnished a revised return, whether within the prescribed time or not, which revised return shows that a larger amount of tax than already paid is payable and has not paid the tax due (either fully or partially), as per the revised return, then such dealer or person shall be liable to pay interest also on the difference between the amount of tax due as per the revised return and that shown as payable in the original return, at the rate of two per cent per month from the expiry of three months next following the last date prescribed for furnishing the original return upto the date of payment ;

(c) where any Registered dealer is required to pay tax without furnishing returns for any period by or under the provisions of this Act and such tax is not paid by the due date, then such dealer shall be liable to pay interest on such amount of tax at such rates and for such periods as provided in clause (a) of this sub-section, as if such dealer was required to furnish returns by such due date ;

(d) where any Registered dealer or any person required to furnish returns pays tax for any period without furnishing the returns, the tax so paid shall be divided proportionately amongst the periods for which he was required by or under the provisions of this Act to pay but has failed to pay the same and the amount so determined shall be deemed to be the amount of tax payable for such period and the dealer shall be liable to pay interest at two per cent. per month on the aforesaid amount from the date from which the tax was due for such period by or under the provisions of this Act to the date of payment :

Provided that, where any such dealer shows to the satisfaction of the Commissioner that the whole or any part of the amount of tax paid is attributable to any particular period, then he shall be liable to pay interest on such amount at two per cent per month from the date from which the tax for the said period was due and payable by or under the provisions of this Act to the date of payment ;

(e) where the liability to pay tax is quantified in respect of a dealer or any person,—

(i) who has failed to furnish returns for the whole of the period for which the tax is quantified ;

(ii) who has failed to furnish returns for any part of the period for which the tax is quantified ;

then, in respect of category (ii), the difference between the tax quantified and the tax shown as payable in the returns and in respect of category (i), the difference between the tax quantified and the tax paid, if any, shall be divided proportionately amongst the periods for which he was required to furnish the returns by or under the provisions of this Act but has failed to furnish such returns, and the amount so determined shall be deemed to be the amount of the tax payable for each such period and the dealer shall be liable to pay interest at the rate of two per cent. per month on the aforesaid amount from the date by which he was required to furnish such returns upto the date of quantification :

Provided that, where the Commissioner is satisfied that the whole or any part of the balance of tax found due or liability to pay tax quantified is attributable to any particular period, then the dealer shall be liable to pay interest on such amount at the rate of two per cent. per month from the date by which he was required to furnish the return for the said period by or under the provisions of this Act to the date of quantification ;

*Explanation.*—The expression “ liability to pay tax is quantified ” in this clause means determination of the tax liability under section 44, 46, 47, 49 or 85 of this Act;

(f) the rate of interest payable under clauses (a), (b) and (e) shall be at the reduced rate of one per cent. where the registered dealer or any person has admitted tax liability and where he is allowed to pay the admitted tax liability in instalments under the provisions of sub-section (5) of section 53 :

Provided that, the reduced rate of one per cent. shall, in the case of grant of instalments, apply with effect from the date of receipt of application made by the dealer in this behalf :

Provided further that, if such dealer or the person fails to make payment of any of the instalments or fails to abide by any of the conditions, if any, subject to which permission to pay the tax in instalments was granted, the rate of interest shall be two per cent. per month;

(g) the interest payable under clauses (a), (b) and (c) of this sub-section shall not be charged for a period exceeding 36 months from the end of the year in respect of which the dealer or the person has failed to pay the tax.

(2) Where any amount of tax or amount forfeited is demanded from a dealer or a person as a result of an order passed in any proceedings under this Act (including the assessment, re-assessment, appeal, revision, rectification or otherwise) and such tax or amount forfeited is not paid by such dealer or person within the time as required by or under the provisions of this Act to pay, then he shall be liable to pay interest at the rate of two per cent. per month on the amount of tax or amount forfeited from the date of such order till the date of payment of such amount.

(3) The Commissioner may, subject to such conditions as may be prescribed, remit the whole or any part of the interest payable in respect of any period.

50. (1) Where any dealer or Commission agent purchases any taxable goods under a declaration given by him under section 12 or 13 and fails to comply with the conditions, recitals or undertakings of such declaration, then the Commissioner may, after giving such dealer or Commission agent a reasonable opportunity of being heard, by order in writing impose on him, in addition to any tax payable, a sum by way of penalty not exceeding twice the amount of tax : Imposition of penalty in certain cases.

Provided that, no penalty under this sub-section shall be levied, if the dealer or the Commission agent has included the purchase price of such goods in the turnover of purchases as required by sub-section (1) or (2) of section 20 and has paid the tax thereon.

(2) If any dealer has without reasonable cause,—

(a) failed to apply for registration as required by section 34; or

(b) failed to comply with any notice or communication in respect of the proceedings under section 44, 46, 71 or clause (a) of sub-section (1) of section 79, or

(c) failed to disclose any transaction of sale or purchase in the turnover of sales or purchases declared in the return or claimed inaccurate deduction or draw-back, set-off, refund or reimbursement in the return furnished or failed to disclose fully and truly all material facts necessary for the purpose of proper and correct quantification of the tax liability,

then the Commissioner may, after giving the dealer a reasonable opportunity of being heard, by order in writing, impose upon the dealer by way of penalty (in addition to any tax found due) a sum not exceeding—

(i) in the case covered by clause (a), one and one-half times the amount of tax assessed;

(ii) in the case covered by clause (b), rupees two thousand, and

(iii) in the case covered by clause (c), one and one-half times the amount of tax sought to be evaded or one and one-half times of such draw-back, set-off, refund or reimbursement referred to in that clause.

(3) If any dealer contravenes the provisions of section 69, the Commissioner may, after giving such dealer an opportunity of being heard, direct him to pay by way of penalty a sum not exceeding ten per cent of the sale price in respect of which such contravention has occurred.

(4) If a dealer liable to pay tax under this Act, contravenes the provisions of sub-section (1) or (3) of section 70 or fails to comply with the directions issued under sub-section (2) of section 70, then the Commissioner may, after giving such dealer an opportunity of being heard, direct him to pay, in addition to any tax payable, a penalty of an amount not exceeding two thousand rupees.

(5) (a) If any dealer or person issues a false bill, cash memorandum, voucher, declaration, certificate or other document by reason of which any transaction of sale or purchase effected by any other dealer is not liable to be taxed or is liable to be taxed at a reduced rate, or

(b) if any dealer or person knowingly produces a false bill, cash memorandum, voucher, declaration, certificate or other document by reason of which any transaction of sale or purchase effected by him is not liable to be taxed or is liable to be taxed at a reduced rate,

then the Commissioner may, after giving such dealer or person a reasonable opportunity of being heard, by order in writing impose on him, in addition to tax (if any) payable, by way of penalty a sum not exceeding double the amount of tax which, in the opinion of the Commissioner, would have been leviable on the sale or purchase referred to in clause (b) had such documents referred to in clauses (a) and (b) not been issued or produced, as the case may be.

(6) (a) If any dealer or other person collects any amount by way of tax or in lieu of tax in contravention of the provisions contained in section 24 or 68, the amount so collected shall, in addition to any tax for which he may be liable, be forfeited to the State Government by the Commissioner after giving such dealer or person a reasonable opportunity of being heard. When any order of forfeiture is made, the Commissioner shall publish or cause to be published a notice thereof for the information of the persons concerned giving such details and in such manner as may be prescribed.



(b) If any dealer or other person, without reasonable cause collects any amount by way of tax or in lieu of tax in contravention of the provisions contained in section 24 or 68, the Commissioner may, after giving such dealer or person a reasonable opportunity of being heard, by an order in writing, impose in addition, a penalty not exceeding the amount so collected.

(7) Whoever,—

(a) gives declaration or certificates under section 10, 12, 13, 15, 16 or 59 which is false, or

(b) fails to declare as required by section 21, the stock of goods held on the appointed day, or

(c) fails to surrender his certificate of Registration, Authorization, Recognition or Permit as required by section 34 or section 39, as the case may be, or

(d) fails without sufficient cause, to furnish any information required by or under section 41 or any statistical information required by or under section 73, or

(e) fails to furnish any return as required by section 43 or 59 by the date and in the manner prescribed, or

(f) obstructs any officer making an inspection or search or seizure under section 71, or

(g) not being a Registered dealer represents that he is or was a Registered dealer at the time when he sells or buys any goods, or

(h) not holding an Authorization, Recognition or Permit, represents at the time when he purchases or sells any goods that he holds Authorization, Recognition or Permit, as the case may be, or

(i) knowingly produces incorrect accounts, registers or documents or furnishes incorrect information.

he shall be liable to pay, in addition to tax (if any) for which he may be liable, a penalty not exceeding two thousand rupees, as the Commissioner may determine. No such penalty shall be imposed, unless such person is given a reasonable opportunity of being heard.

(8) No prosecution for an offence under this Act shall be instituted in respect of the same facts on which a penalty has been imposed and paid under this section.

51. (1) Where in any proceedings under section 44, 46 or 50 before any authority, the difference between the amount of tax and penalty proposed to be assessed or re-assessed or imposed and the amount of tax and penalty already paid or admitted as payable, exceeds the limits as may be prescribed, then such authority shall, in the first instance, serve a draft of the proposed order of assessment or re-assessment or penalty (hereafter in this section referred to as "the draft order.") on the dealer. Reference to higher authority in certain cases.

(2) On receipt of the draft order, the dealer may forward his objections, if any, to such authority, within 7 days of the receipt by him of the draft order or within such further period not exceeding 15 days as such authority may allow, on an application made to him in that behalf.

(3) If no objections are received within the period or the extended period aforesaid, or the dealer intimates to such authority the acceptance of the draft order, with or without any minor modifications, then, after taking into consideration the minor modifications, if any, it shall be lawful for such authority to complete the assessment or re-assessment on the basis of the draft order, within a period of three months from the date on which the period for sending objections expires.

(4) If the dealer raises any objections within the period aforesaid, such authority shall, as soon as possible, refer the proceedings with such objections to such higher authority, not below the rank of an Assistant Commissioner of Sales Tax, as may be prescribed.

(5) On such reference, such proceedings, notwithstanding anything contained in section 96, shall stand transferred to such higher authority. It shall be then lawful for such higher authority after giving the dealer a reasonable opportunity of being heard, to assess or re-assess the amount of tax or impose penalty, within a period of two years from the date of the transfer of such proceedings to him.

(6) The provisions of this section shall not apply in cases, where the proceedings under section 44, 46 or 50 are held before any authority of and above the rank of Assistant Commissioner of Sales Tax.

**Power of Commissioner to issue directions in certain cases.** 52. Notwithstanding anything contained in sub-section (10) of section 31, the Commissioner may, on his own motion or on a reference being made to him, call for and examine the record of any pending proceeding and if he considers that, having regard to the nature of the case or the amount of tax, interest, amount forfeited or penalty, as the case may be, involved or for any other reason, it is necessary or expedient so to do, the Commissioner may issue such directions as he thinks fit for the guidance of the said officer as to the lines on which an investigation connected with assessment, re-assessment or any other proceeding under the Act be made.

**Payment of tax, etc.** 53. (1) Tax and interest shall be paid in the manner herein provided and at such intervals and by such dates as may be prescribed.

(2) (a) A Registered dealer furnishing returns as required by sub-section (1) of section 43 shall pay into such Government Treasury and in such manner as may be prescribed, the whole of the amount of tax due from him according to such return alongwith the amount of any interest payable by him under section 49.

(b) (i) Where any Registered dealer has not furnished a return as required by sub-section (1) of section 43, then the tax shown as payable by him in the return last furnished by him or in the return for the corresponding period of the previous year, whichever is more, shall provisionally be deemed to be the tax payable by the dealer for the period or periods for which the return has not been furnished ;

(ii) Where, however, no returns for any earlier period referred to in sub-clause (i) have been furnished by the dealer, then the amount of tax payable by the dealer for such period shall be provisionally determined by the Commissioner to the best of his judgement ;

and such provisional liability shall remain in force till such provisional tax is paid or the return for such period is furnished or the dealer is assessed for the said period, whichever is earlier.

(3) A Registered dealer furnishing a revised return in accordance with sub-section (3) of section 43, which shows that a larger amount of tax than already paid is payable, shall, before submitting such return, pay into Government Treasury the additional amount of tax due as per such return alongwith the amount of interest due under section 49.

(4) (a) The amount of tax—

(i) assessed or re-assessed for any period under section 44 or 46 less any sum already paid by the dealer in respect of such period,

(ii) due as per order passed under section 77 read with section 57(1)(a), or

(iii) due as per order passed under section 79 read with clause (a) of sub-section (1) of section 57,

(b) the amount of interest due under section 49, the amount of penalty levied or the amount forfeited under section 50,

(c) the amount of penalty (if any) imposed under sub-section (3) of section 75,

(d) the amount payable as per the order passed under section 80 by the Settlement Commission, and

(e) the amount due as per order passed under section 85 read with clause (a) of sub-section (1) of section 57,

shall be paid by the dealer or the person liable therefor into a Government Treasury within 30 days from the date of service of the notice issued by the Commissioner for this purpose.

(5) The Commissioner may, on an application from any dealer or person, allow him to pay the amount of tax and interest, if any, due as per return and remaining unpaid or the amount for which a notice under sub-section (4) has been issued, by instalments, on such terms and conditions, as may be specified by him. The grant of such instalments shall be without prejudice to the liability of such dealer or person to pay interest under section 49.

(6) (i) The amount of tax due where returns have been furnished without full payment therefor;

(ii) The amount of tax deemed to be payable under clause (b) of sub-section (2);

(iii) The amount of tax, interest and penalty and any other sum remaining unpaid after 30 days from the date of service of the notice for payment as provided in sub-section (4), and

(iv) any instalment not duly paid,

shall be recoverable as an arrear of land revenue :

Provided that, where recovery proceedings have been already started to recover as an arrear of land revenue any amount mentioned in clause (i) of this sub-section, then such proceedings shall, notwithstanding anything contained in sub-section (4), continue till such amount is fully paid.

*Explanation.*—For the purposes of this section, “tax” includes lump sum by way of composition determined under the provisions of section 58.

54. (1) For the purposes of effecting recovery of the amount of tax, interest, penalty, and amount forfeited, due and recoverable from any dealer or other person by or under the provisions of this Act or under any earlier law, as arrears of land revenue,—

Special powers of Sales Tax authorities for recovery of tax as arrears of land revenue.

Mah.  
XLI  
of  
1966.

(i) the Commissioner of Sales Tax shall have and exercise all the powers and perform all the duties of the Commissioner under the Maharashtra Land Revenue Code, 1966;

(ii) the Additional Commissioners of Sales Tax shall have and exercise all the powers and perform all the duties of the Additional Commissioner under the said Code;

(iii) the Deputy Commissioners of Sales Tax shall have and exercise all the powers and perform all the duties of the Collector under the said Code ;

(iv) the Assistant Commissioners of Sales Tax shall have and exercise all the powers (except the powers of arrest and confinement of a defaulter in a civil jail) and perform all the duties of the Assistant or Deputy Collector under the said Code;

(v) the Sales Tax Officers shall have and exercise all the powers (except the power of confirmation of sale and arrest and confinement of a defaulter in a civil jail) and perform all the duties of the Tahsildar under the said Code.

(2) Every notice issued or order passed in exercise of the powers conferred by sub-section (1) shall, for the purposes of sections 76, 77, 78, 79, 84 and 85 be deemed to be a notice issued or an order passed under this Act.

**Rounding off etc.** 55. The amount of tax, interest, penalty, composition money, or any other sum payable and the amount of draw-back, set-off, refund or reimbursement due under the provisions of this Act, shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of *paise*, then, if such part is fifty *paise* or more, it shall be increased to one rupee, and if such part is less than fifty *paise*, it shall be ignored :

Provided that, nothing in this section shall apply for the purpose of collection by a dealer of any amount by way of tax under this Act.

**Special mode of recovery.** 56. (1) Notwithstanding anything contained in any law or contract to the contrary, the Commissioner may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Commissioner, require—

(a) any person from whom any amount of money is due, or may become due to a dealer from whom any amount is due under the provisions of this Act, or

(b) any person who holds or may subsequently hold money for or on account of such dealer,

to pay to the Commissioner, either forthwith upon the money becoming due to, or being held on behalf of, the dealer 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 dealer 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 a dealer from, or money held for or on account of a dealer by, any person, shall be calculated after deducting therefrom such claims (if any) lawfully subsisting, as may have fallen due for payment by such dealer to such person.

(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 dealer, jointly with any other person and for the purpose of this section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(3) 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.

(4) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer, and the receipt of the 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.

(5) Any person discharging any liability to the dealer 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 dealer for tax, penalty, interest, or any other sum payable, whichever is less.

(6) 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 dealer, or that he does not hold any money for or on account of the dealer, then, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof as the case may be, to the Commissioner.

(7) For the purposes of this section, the expression "dealer" shall include any person from whom any amount is due under this Act.

(8) 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.

(9) The Commissioner may apply to the Court in whose custody there is money belonging to the dealer, for payment to him of the entire amount of such money or if it is more than the amount due under this Act an amount sufficient to discharge such liability.

57. (1) Where any notice of demand in respect of any tax or interest, amount forfeited or penalty (hereinafter in this section referred to as "Government dues") is served upon a dealer or the person liable therefor under sub-section (4) of section 53 and any appeal, revision application or other proceeding is filed or taken in respect of such Government dues, then—

Continuation  
of certain  
recovery  
proceedings.

(a) where such Government dues are enhanced in such appeal, revision or proceeding, the Commissioner shall serve upon the dealer or person, as the case may be, another notice only in respect of the amount by which such Government dues are enhanced and any recovery proceedings in relation to such Government dues as are covered by the notice or notices of demand served upon him before the disposal of such appeal, revision application or proceeding may, without the service of any fresh notice, be continued from the stage at which such proceeding stood immediately before such disposal;

(b) where such Government dues are reduced in such appeal, revision or proceeding,—

(i) it shall not be necessary for the Commissioner to serve upon the dealer or person a fresh notice;

(ii) the Commissioner shall give intimation of the fact of such reduction to him;

(iii) any recovery proceedings initiated on the basis of the notice or notices of demand served upon him before the disposal of such appeal, revision application or proceeding may be continued in relation to the amount so reduced from the stage at which such proceedings stood immediately before such disposal :

Provided that, where any Government dues are reduced in such appeal, revision or proceedings and the dealer or person is entitled to any refund thereof, such refund shall be made in accordance with the provisions of section 61.

(2) For the removal of doubts, it is hereby declared that no fresh notice of demand shall be necessary in any case where the amount of Government dues is not varied as a result of any order passed in appeal, revision or other proceeding under this Act.

58. The Commissioner may, in such circumstances, and subject to such conditions, as may be prescribed, permit any dealer to pay in lieu of the amount of tax payable by him under the provisions of this Act in respect of any period, a lump sum, determined in the prescribed manner, by way of composition.

Lump sum  
payment of  
tax.

**Exemptions.** 59. (1) Subject to such conditions as it may impose, the State Government may, if it is necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any specified sale or purchase or class of sales or purchases from payment of the whole or any part of any tax payable under the provisions of this Act, and such exemption shall take effect from the date of the publication of the notification in the *Official Gazette*, or such other prospective or retrospective date as may be mentioned therein.

(2) Where under any notification issued under sub-section (1), any specified sales or class of sales are exempted from payment of the whole or any part of any tax subject to the production of a declaration required by the notification such declaration shall not be issued by any dealer or other person, unless he possesses a certificate issued by the Commissioner in this behalf. Every such dealer or person shall apply in the prescribed manner to the Commissioner, who may after making such inquiry as he deems fit issue a certificate in this behalf. The Commissioner may, after giving the dealer or person a reasonable opportunity of being heard, refuse to grant the certificate. The Commissioner may amend, modify, suspend or cancel the certificate already issued after giving the dealer or person a reasonable opportunity of being heard. Every dealer or person, holding a certificate issued by the Commissioner, under this sub-section shall, for the purposes of section 44, 45, 46, 47, 48, 49, 50, 53, 56, 68, 69 or 70 be deemed to be a Registered dealer.

(3) Where any dealer or person holding a certificate issued by the Commissioner under sub-section (2) has purchased any goods under a declaration given by him under any of the notifications issued under this section and—

(a) the conditions subject to which such exemption was granted, or

(b) the recitals or the conditions of the declaration,

are not complied with for any reason whatsoever, then such dealer or person shall be liable to pay purchase tax on the purchase price of the goods so purchased, and the purchase tax shall be levied at the rates set out against each of such goods in column 4 of Schedules B and C, notwithstanding that such dealer or person was not liable to pay tax under section 3, and accordingly the dealer or the person who has become liable to pay purchase tax under this sub-section shall file a return in the prescribed form to the prescribed authority within the prescribed time and shall include the purchase price of such turnover in his return, and pay the tax in the prescribed manner. The tax due from any such dealer or person shall be assessed or reassessed under section 44 or 46, as the case may be :

Provided that, the amount of tax (if any) paid by the dealer or such person to a Registered dealer on such purchases, on which he has become liable to pay purchase tax under this sub-section, shall be set off against the purchase tax so leviable.

(4) Notwithstanding anything contained in this section, the State Government may, by notification in the *Official Gazette*, dispense with the requirement of a certificate, in the case of any person or class of persons, subject to such conditions (if any) as may be specified in the notification.

Draw-back,  
set-off,  
refund etc.

60. The State Government may by rules provide, that—

(a) in such circumstances and subject to such conditions as may be specified in the rules, a draw-back, set-off, refund or reimbursement of the whole or any part of the tax—

(i) paid, levied or leviable at the rates specified in the Schedules under any earlier law in respect of any earlier sales or purchases of goods which are held in stock by a dealer on the appointed day, be granted to such dealer, or

(ii) paid, levied or leviable at the rates specified in the Schedules in respect of any earlier sales or purchases of goods under this Act or any earlier law, be granted to the purchasing dealer;

(b) for the purpose of the levy of tax under any of the provisions of this Act, the sale price or purchase price shall, in the case of any class of sales or purchases, be reduced to such extent, and in such manner, as may be prescribed.

61. (1) The Commissioner shall refund to a person the amount of tax, interest, Refund of amount forfeited and penalty (if any) paid by such person in excess of the amount due excess from him. The refund may be either by refund payment order in the prescribed form, payment. or at the option of the person by deduction of such excess from the amount of tax and penalty due in respect of any other period :

Provided that, the Commissioner shall first apply such excess towards the recovery of any amount due under this Act or any earlier law and shall then refund the balance (if any).

*Explanation.*—The expression “amount due” shall include—

(i) any amount due as per return furnished under section 43, which has not been fully paid ;

(ii) any amount payable by a dealer under the provisions of clause (b) of sub-section (2) of section 53.

(2) Where any refund is due to any dealer according to the return furnished by him for any period, such refund may provisionally be adjusted by him against the tax due and payable as per the returns furnished under section 43 for any subsequent period of the same year.

62. Notwithstanding anything contained in this Act or in any other law for the time being in force, where any sum collected by a person by way of tax or in lieu of tax in contravention of section 24 or 68, is forfeited to the State Government under section 50 and is recovered from him, such payment or recovery shall discharge him of the liability to refund the sum to the person from whom it was collected. A refund of such sum or any part thereof can be claimed from Government by the person from whom it was realised by way of tax or in lieu of tax, provided that an application for such claim is made by him in writing in the prescribed form to the Commissioner, within three years from the date of the order of forfeiture. On receipt of any such application, the Commissioner shall hold such inquiry as he deems fit and if the Commissioner is satisfied that the claim is valid and admissible and no draw-back, set-off, refund, reimbursement or remission in respect of that amount was granted, he shall refund the sum or any part thereof, which is found due to the person concerned. Refund of taxes forfeited.

LXXIV 63. Where any Declared goods are sold by a dealer in the course of inter-State of trade or commerce and tax has been paid by him under the Central Sales Tax 1956. Act, 1956, in respect of the sale of such goods in the course of inter-State trade or commerce, and such dealer shows to the satisfaction of the Commissioner that a tax under this Act or any earlier law has been levied in respect of any earlier sale or purchase of such goods made in the State after the 1st day of October 1958, then an amount equal to the tax so levied shall be reimbursed to such dealer making such sale in the course of inter-State trade or commerce, in such manner and subject to such conditions, as may be prescribed. Reimbursement of tax on Declared goods in the course of inter-State trade or commerce.

64. (1) Where an amount required to be refunded by the Commissioner to any person by virtue of an order issued under this Act is not so refunded to him within ninety days of the date of the receipt of the order by the Commissioner, the State Government shall, on an application pay such person simple interest at twenty-four per cent. per annum on the said amount from the date immediately following the expiry of the period of ninety days to the date of the issue of refund payment order. Interest on delayed refund.

*Explanation.* If the delay in granting the refund within the period of ninety days aforesaid is attributable to the dealer, whether wholly or in part the period of the delay attributable to him shall be excluded from the period for which interest is payable.

(2) Where any question arises as to the period to be excluded for the purpose of calculation of interest under the provisions of this section, such question shall be determined by the Commissioner, whose decision shall be final.

Power to withhold refund in certain cases.

65. (1) Where an order giving rise to a refund is the subject-matter of an appeal or further proceeding or where any other proceeding under this Act is pending, and the authority competent to grant such refund is of the opinion that the grant of refund is likely to adversely affect the revenue, such authority may, with the previous approval of the Commissioner, withhold the refund till such time as the Commissioner may determine.

(2) Where a refund is withheld under sub-section (1), the State Government shall pay interest in accordance with the provisions of the last preceding section on the amount of refund ultimately determined to be due to the person as a result of the appeal or further proceeding, for the period from the date immediately following the expiry of ninety days from the date of the order referred to in sub-section (1) to the date of issue of refund payment order :

Provided that, if the order withholding refund is the subject matter of an appeal, the interest shall be payable at twelve per cent per annum.

Remission of tax.

66. The Commissioner may, in suitable cases, remit the whole or any part of the tax payable in respect of any period, by any dealer, if the total amount to be remitted does not exceed two thousand rupees. In other cases, the remission shall not be made without the previous sanction of the State Government.

Power not to recover tax not levied or short levied, as a result of general practice.

67. Notwithstanding anything contained in this Act, or in any judgment, decree or order of any Court or Tribunal, if the State Government is satisfied—

(a) that a practice was, or is, generally prevalent regarding levy of tax on any class of sales or purchases at a lower rate than the rate at which the tax is leviable or not to levy any tax on any class of sales or purchases; and

(b) that such class of sales or purchases were, or are, liable—

(i) to tax, in cases where according to the said practice, the tax was not, or is not, being levied, or

(ii) to higher rate of tax than what was, or is being, levied according to the said practice,

then, the State Government may, by notification in the *Official Gazette*, direct that the whole of the tax payable on such class of sales or purchases or, as the case may be, the tax in excess of that payable on such class of sales or purchases, but for the said practice, shall not be required to be paid in respect of the class of sales or purchases on which the tax was not, or is not being, levied or was, or is being, short levied, in accordance with the said practice.

Prohibition against collection of tax in certain cases.

68. (1) No person shall collect any sum by way of tax or in lieu of tax on a transaction which is not a transaction of sale.

(2) No person shall collect any sum by way of tax or in lieu of tax in respect of sales of any goods on which by virtue of section 5 or by virtue of notification issued under section 59, no tax is payable.

(3) No person, who is not a Registered dealer, shall collect in respect of any sale of goods any amount by way of tax or in lieu of tax from any other person.



(4) No Registered dealer shall collect any amount by way of tax or in lieu of tax in respect of any transaction of sale on which he is not liable to pay tax under the provisions of this Act.

(5) No Registered dealer shall collect any amount by way of tax or in lieu of tax on any transaction of sale in excess of the amount of tax payable by him on such transaction under the provisions of this Act.

*Explanation.*—For the purpose of sub-section (5) where the total tax collected on the turnover of sales by a Registered dealer in any period of assessment exceeds the tax assessed excluding additional tax, if any, on such turnover of sales (without adjustment of set-off granted under section 60, if any) and where such excess collection or any part thereof cannot be easily identified either by the dealer or by the Commissioner with any particular transaction of sale, then such excess collection or part thereof shall be deemed to be the excess collection.

(6) Notwithstanding anything contained in sub-sections (4) and (5), a dealer who has been permitted by the Commissioner to pay a lump sum payment under section 58 shall not collect any sum (by way of tax or in lieu of tax) on the sales of goods if made during the period to which such lump-sum payment applies.

(7) Provisions contained in sub-sections (3) and (4) shall not apply where a person is required to collect such amount of tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

69. If any dealer liable to pay tax under the Act,—

- (a) sells goods to a Registered dealer, or
- (b) effects sales in the course of inter-State trade or commerce, or in the course of export, or
- (c) (i) being a manufacturer or importer, sells any goods of sale price exceeding ten rupees in any one transaction to any other person, or
- (ii) being a reseller with a turnover exceeding one lakh rupees in the previous year sells in the current year any goods of sale price exceeding ten rupees in any one transaction to any other person,

Memoran-  
dum  
of sales or  
purchases.

he shall issue to the purchaser a bill or cash memorandum serially numbered, signed and dated by him or his servant, manager or agent, and showing therein his name and address and such other particulars as may be prescribed. He shall keep a duplicate copy of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than six years from the end of the year, unless any proceedings in respect of that year are pending in which case they shall be preserved even beyond the period of six years till the final decision in those proceedings :

Provided that, if in respect of any goods or class of goods or any dealers or class of dealers, the Commissioner is of the opinion that it is not practicable to issue any bills or cash memoranda for sale of goods of sale price exceeding ten rupees in any one transaction to any other person, he may, by notification in the *Official Gazette*,—

- (i) specify such amount or sale price exceeding ten rupees for the issue of such bills or cash memoranda;
- (ii) exempt such goods or class of goods, or dealer or class of dealers, from the operation of clause (c) of this section as may be specified in the notification.

## CHAPTER VI

## LIABILITY TO PRODUCE ACCOUNTS AND SUPPLY INFORMATION

**Accounts.** 70. (1) Every dealer liable to pay tax under this Act, and every other dealer, who is required so to do by the Commissioner by notice served on him in the prescribed manner, shall keep true and up-to-date account of the sales and purchases of the goods made by him and of the cash received and paid by him from time to time, in the course of his business. Such account or sale or purchase registers, if separately maintained, shall also contain, in respect of each transaction for amount of not less than one thousand rupees, full details of the names and addresses of the selling dealer from whom the goods are purchased and the names and addresses of the purchasing dealers to whom the goods are sold, and where such transactions are effected through brokers it shall also contain the names and addresses of the brokers.

(2) The Commissioner may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer, or by notification in the *Official Gazette* direct any class of dealers, to maintain accounts and records showing such particulars regarding their purchases, sales or deliveries of goods, cash received and paid, in such form, and in such manner, as may be specified by him.

(3) Every Registered dealer shall keep all his accounts, registers and documents relating to his stocks of goods, or to purchases, sales and deliveries of goods made by him, at the place or places of business specified in his certificate of registration, or at such other place as may be declared by him to the Commissioner in the prescribed manner.

**Production and inspection of accounts and documents and search of premises.** 71. (1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer to produce before him any accounts or documents, or to furnish any information, relating to stocks of goods of, or to sales purchases and deliveries of goods and receipts and payments by the dealer, or any other information relating to his business as may be necessary for the purposes of this Act.

(2) All accounts, registers and documents relating to stocks of goods of, or to purchases, sales and deliveries of goods by, any dealer and all goods and cash kept in any place of business of any dealer, shall at all reasonable times be open to inspection by the Commissioner, and the Commissioner may take or cause to be taken such copies or extracts of the said accounts, registers or documents and such inventory of the goods and cash found as appear to him necessary for the purposes of this Act.

(3) If the Commissioner has reason to believe that any dealer has evaded or is attempting to evade the payment of any tax due from him, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary and shall grant a receipt for the same, and shall retain the same for so long as may be necessary in connection with any proceeding or for a prosecution under this Act.

(4) For the purposes of sub-section (2) or sub-section (3), the Commissioner may enter and search any place of business of any dealer, or any other place where the Commissioner has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business or stocks of goods relating to his business, and he may for exercising the powers under this sub-section, seal, or break open the lock of any door, box, locker, safe, almirah, or any other receptacle, where the keys thereof are not available.

(5) For the purposes of sub-section (2) or sub-section (3), the Commissioner may also search any person who has got out of, or is about to get into, or is in the place referred to above, if the Commissioner has reason to suspect that such person has secreted about his person any such books of accounts or other documents or any cash relating to any business of a dealer liable to pay tax.

72. Every dealer, who is liable to pay tax, and who is a Hindu undivided family, or an association or club or society or firm or company, or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall, within the period prescribed, send to the authority prescribed, a declaration in the manner prescribed stating the name of the person or persons who shall be deemed to be the manager or managers of such dealer's business for the purposes of this Act. Such declaration may be revised from time to time.

Dealer to declare the name of manager of his business.

73. (1) Every Registered dealer, whose turnover of sales exceeds the prescribed limit, shall furnish a commoditywise return in such form, for such period, by such date and to such authority and through such agency (if any) as may be prescribed.

Power to collect statistics.

(2) Without prejudice to sub-section (1), if the Commissioner considers that for the purposes of better administration of this Act, it is necessary so to do, he may, by notification in the *Official Gazette*, direct that further statistics be collected relating to any matter dealt with by or under this Act.

(3) Upon such direction being made by the Commissioner, he may by notice in any newspapers or in such other manner as in his opinion is best calculated to bring the notice to the attention of the dealers, call upon all dealers or any class of dealers to furnish such information or returns as may be stated therein relating to any matter in respect of which statistics are to be collected. The form in which, the persons to whom, or the authorities to which, such information or returns should be furnished, the particulars which they should contain, and the intervals at which such information or returns should be furnished, shall be such, as may be specified in such notice.

## CHAPTER VII

### PROCEEDINGS

74. (1) If any question arises, otherwise than in proceedings before a Court, Tribunal or Settlement Commission, or before the Commissioner has commenced assessment or reassessment of a dealer under section 44 or 46, whether, for the purposes of this Act,—

Determination of disputed question.

(a) any person is a dealer, or

(b) any particular thing done by the applicant to any goods amounts to, or results in, the manufacture of goods within the meaning of that term, or

(c) any transaction is a sale or purchase, or where it is a sale or purchase the sale price or the purchase price, as the case may be, thereof, or

(d) any particular dealer is required to be registered, or

(e) any tax is payable in respect of any particular sale or purchase, or if tax is payable the rate thereof,

the Commissioner shall make an order determining such question.

*Explanation.*—For the purpose of this sub-section, the Commissioner shall be deemed to have commenced assessment or reassessment of a dealer under section 44 or 46, when the dealer is served with any notice by the Commissioner under section 44 or 46, as the case may be.

(2) The Commissioner may direct that the determination shall not affect the liability of any person under this Act, as respects any sale or purchase effected prior to the determination.

(3) If any such question arises from any order already passed under this Act or any earlier law, no such question shall be entertained for determination under this section; but such question may be raised in appeal against, or by way of revision of, such order.

**Powers of Tribunal, Settlement Commission and Commissioner.** 75. (1) In discharging their functions under this Act, the Tribunal, the Settlement Commission and the Commissioner shall have all the powers of a Civil Court for the purpose of—

- (a) proof of facts by affidavit;
- (b) summoning and enforcing the attendance of any person, and examining him on oath or affirmation;
- (c) compelling the production of documents; and
- (d) issuing commissions for the examination of witnesses.

(2) In the case of any affidavit to be made for the purposes of this Act, any officer appointed by the Tribunal, the Settlement Commission, or the Commissioner, may administer the oath to the deponent.

(3) Without prejudice to the provisions of any other law for the time being in force, where a person, to whom a summons is issued by the Tribunal, the Settlement Commission or the Commissioner, either to attend to give evidence or to produce books of accounts, registers or other documents at a certain place and time, omits without reasonable cause to attend to give evidence or to produce the documents at such place and time, the Tribunal, the Settlement Commission, or the Commissioner, as the case may be, may impose on him such penalty by way of fine not exceeding five hundred rupees, as it or he thinks fit; and the penalty so levied may be recovered in the manner provided in this Act for recovery of arrears of tax:

Provided that, before imposing any such penalty the person concerned shall be given a reasonable opportunity of being heard.

(4) If any documents are produced by a person on whom a summons was issued by the Tribunal, Settlement Commission or Commissioner, and the Tribunal, Settlement Commission or Commissioner has reason to believe that any dealer has evaded or is attempting to evade the payment of any tax due from him and the documents produced are necessary for establishing the case against such dealer, the Tribunal, Settlement Commission or Commissioner, as the case may be, may, for reasons to be recorded in writing, impound the documents and shall grant a receipt for the same and shall retain the same for so long as may be necessary in connection with the proceedings or for a prosecution under this Act.

**Bar to certain proceedings.** 76. Save as is provided by section 84, no assessment made and no order passed under this Act or the rules made thereunder by the Commissioner or an officer or person subordinate to him shall be called in question in any Court, and save as is provided by sections 77 and 79 no appeal or application for revision shall lie against any such assessment or order.

**Appeal.** 77. (1) Any person aggrieved by any original order (not being an order mentioned in section 78 or passed under section 89) passed against him under this Act or under the rules made thereunder, may appeal to—

- (a) the Assistant Commissioner, if the order is made by a Sales Tax Officer or any other Officer subordinate to him;
- (b) the Deputy Commissioner, if the order is made by an Assistant Commissioner;

(c) the Tribunal, if the order is made by the Deputy Commissioner, Additional Commissioner or Commissioner.

(2) In the case of an order passed in appeal by an Assistant Commissioner or a Deputy Commissioner, a second appeal shall lie to the Tribunal.

(3) Every order passed in appeal under this section shall, subject to the provisions of sections 79, 84 and 85, be final.

(4) Subject to the provisions of section 83, no appeal shall be entertained unless it is filed within sixty days from the date of communication of the order appealed against.

(5) No first appeal or second appeal against an order of assessment with or without penalty, or against an order imposing penalty shall ordinarily be entertained by an appellate authority, unless such appeal is accompanied by satisfactory proof of the payment of tax with or without penalty due as per the order in respect of which the appeal has been preferred:

Provided that, an appellate authority may if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order—

(a) without payment of tax with penalty (if any), or, as the case may be, of the penalty on the appellant furnishing in the prescribed manner security for such an amount as it may direct, or

(b) on proof of payment of such smaller sum with or without security for such an amount of tax or penalty which remains unpaid, as it may direct.

(6) Subject to such rules of procedure as may be prescribed, every appellate authority (both in the first appeal and second appeal) may,

(a) confirm, reduce, enhance or annul the assessment, amount forfeited or penalty, or

(b) set aside the assessment (including any penalty imposed) and direct to make fresh assessment or impose fresh penalty after such further enquiry as may be directed, or

(c) set aside the penalty and direct to impose fresh penalty after such further enquiry as may be directed, or

(d) pass such order as it deems just and proper:

Provided that, the appellate authority shall not enhance the assessment or penalty or reduce the amount of draw-back, set-off, refund or reimbursement of tax unless the appellant has been given a reasonable opportunity of being heard.

78. No appeal and no application for revision shall lie against —

- (1) any notice issued under this Act or the rules made thereunder;
- (2) an order pertaining to the seizure or retention of account books, registers and other documents;
- (3) an order sanctioning prosecution under this Act;
- (4) an order passed under sub-section (8) of section 31 and section 96;
- (5) any orders, instructions or directions issued under sub-section (10) of section 31;
- (6) any directions given under the third proviso to sub-section (9) of section 44;
- (7) any order passed under section 49;

Non-appealable orders.

- (8) any directions issued under section 52;
- (9) orders under sub-clause (ii) of clause (b) of sub-section (2) and sub-section (5) of section 53;
- (10) any order passed under sub-section (2) of section 64;
- (11) an order directing a class of dealers to maintain books of accounts under sub-section (2) of section 70;
- (12) an order passed under clause (b) of sub-section (1) of section 79;
- (13) any interlocutory order not being an order passed under the proviso to sub-section (5) of section 77 passed in the course of any proceedings under this Act;
- (14) an order passed by the Settlement Commission under section 80.

Revision. 79. (1) Subject to the provisions of section 78 and to any rules which may be made in this behalf,—

(a) the Commissioner may on his own motion call for and examine the record of any order passed including an order passed in appeal under this Act or the rules made thereunder by any officer or person subordinate to him and pass such order thereon as he thinks just and proper after making such enquiry as he deems fit:

Provided that, no notice shall be served by the Commissioner under this clause after the expiry of three years from the date of the communication of the order sought to be revised, and no order in revision shall be made by him hereunder after the expiry of five years from such date :

Provided further that,—

(i) where in appeal or revision proceeding under this Act an appellate or a revising authority decides that a sale held as a sale within the State is in fact a sale covered by section 3 of the Central Sales Tax Act, 1956, then the Commissioner may within two years from the date of such appeal or revision order revise any order passed under the Central Sales Tax Act, 1956 so as to assess such sale under that Act, and

(ii) where in appeal or revision proceeding under the Central Sales Tax Act, 1956 an appellate or a revising authority decides that a sale held as covered by section 3 of that Act is in fact a sale within the State, then the Commissioner may within a like period revise any order passed under this Act so as to assess such sale as a sale within the State ;

(b) the Commissioner on an application made to him against any order passed by any authority subordinate to him may call for and examine the record of any such order and pass such order thereon as he thinks just and proper :

Provided that, no application under this clause shall be entertained by the Commissioner unless :—

(i) the application is made after the expiry of the period for filing of the appeal under section 77 but is within one year from the date of communication of the order for which application for revision is made;

(ii) the applicant shows that no appeal under section 77 has been preferred against such order and satisfies the Commissioner that he had sufficient cause for not preferring an appeal against such order;

(iii) the applicant undertakes not to prefer any appeal under section 77; and

(iv) the applicant produces satisfactory evidence about the payment of the admitted amount of tax, penalty and interest.

(2) No order shall be passed under this section which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.

(3) The order passed by the Commissioner under clause (b) of sub-section (1) of this section shall, subject to the provisions of section 85, be final.

80. (1) (a) After the Settlement Commission is constituted under section 33, Settlement if any dealer desires to get his liability to pay the tax settled by the Settlement Commission, he may, before initiation or during the pendency of assessment or reassessment proceedings under section 44 or 46 for any period, make an application in such form and in such manner containing such particulars, as may be prescribed, to the Settlement Commission for having his liability in respect of such period settled. of cases.

(b) Every application made under this section shall be accompanied by such fees, as may be prescribed.

(c) On receipt of the application, the Settlement Commission shall call for a report from the Commissioner and on the basis of the materials contained in such report and having regard to the nature and circumstances of the case or the complexity of the investigation involved therein, the Settlement Commission may, by order, allow the application to be proceeded with or reject the application :

Provided that, an application shall not be rejected, unless an opportunity has been given to the applicant of being heard :

Provided further that, an application shall not be proceeded with under this sub-section if the Commissioner objects to the application being proceeded with on the ground that concealment of turnover or any other particulars for evading tax has been established or is likely to be established by any Sales Tax Authority in relation to the case of the applicant.

(d) A copy of every order passed as aforesaid by the Settlement Commission shall be sent to the applicant and to the Commissioner.

(2) An application made under sub-section (1) shall not be allowed to be withdrawn without the previous permission of the Settlement Commission.

(3) Where an application is allowed to be proceeded with under sub-section (1), the Settlement Commission may call for the relevant records from the Commissioner and after examination of such records, if the Settlement Commission is of the opinion that any further inquiry or investigation in the matter is necessary, it may direct the Commissioner to make or cause to be made such further inquiry or investigation and furnish a report on the matters covered by the application and any other matter relating to the case.

(4) After examination of the records and the report of the Commissioner, received under sub-section (1), and the report, if any, of the Commissioner received under sub-section (3), and after giving an opportunity to the applicant and to the Commissioner to be heard, either in person or through a representative duly authorised in this behalf, and after examining such further evidence as may be placed before it or obtained by it, the Settlement Commission may, in accordance with the provisions of this Act and in the manner provided for in the regulations, pass such order as it thinks fit on the matters covered by the application or any other matter relating to the case not covered by the application, but referred to in the report of the Commissioner.

(5) Any amount settled by the Settlement Commission in accordance with this section shall be deemed to be the amount of tax and penalty and interest assessed or reassessed, levied or imposed and all the provisions contained in this Act regarding recovery of tax, penalty and interest shall apply accordingly.

(6) If it is subsequently found by the Settlement Commission that the order passed by it is based on fraud or mis-representation of facts by or on behalf of the applicant, the Settlement Commission may pass an order declaring the order passed under sub-section (4) as void :

Provided that, no such order under this section shall be passed without affording to the applicant a reasonable opportunity of being heard.

(7) Where any order of settlement is passed by the Settlement Commission in respect of any assessment or reassessment or penalty or interest proceedings, the assessing authority shall not pursue the proceedings unless the settlement order is declared to be void.

(8) Where the Settlement Commission has passed an order of settlement in respect of any proceedings, no proceedings for an offence under this Act shall be instituted against the applicant or no penalty shall be imposed in respect of the same facts.

(9) Nothing contained in the application made by any dealer to the Settlement Commission or in any statements made before the Commission shall be binding on the applicant, if the application is rejected by the Commission. Nothing contained in such application or statement can also be used by the assessing authority in the assessment or re-assessment proceedings continued by such authority after the rejection of the application or after the declaration of the settlement order as void.

(10) Subject to the provisions of this section and section 85, every order of the Settlement Commission passed under this section shall be conclusive as to the matter stated therein.

**Assessment proceedings etc., not to be invalid on certain grounds.** 81. (1) No assessment (including re-assessment, rectification and revision), notice, summons or other proceedings made or issued or taken or purported to have been made or issued or taken in pursuance of any of the provisions of this Act or under the earlier law shall be invalid or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such assessment, notice, summons or other proceedings, if such assessment, notice, summons or other proceedings are in substance and effect in conformity with or according to the intent and purposes of this Act or any earlier law.

(2) The service of any notice, order or communication shall not be called in question if the said notice, order or communication, as the case may be, has already been acted upon by the dealer or person to whom it is issued or which service has not been called in question at or in the earliest proceedings commenced, continued or finalised pursuant to such notice, order or communication.

(3) No order of assessment, re-assessment, revision or rectification passed under the provisions of this Act shall be invalid merely on the ground that the action could also have been taken by any other authority under any other provisions of this Act.

**Court-fee on appeal and application for revision and other applications.** 82. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, the appeal preferred under section 77, an application for revision made under section 79 and an application made under sections 74, 80 and 85 shall bear a Court-fee stamp of such value (not exceeding one hundred rupees) as may be prescribed, and any other application not otherwise provided in this Act when presented to a prescribed authority for a prescribed purpose shall bear a Court-fee stamp of two rupees.

**Application of sections 4 and 12 of Limitation Act, and extension of period of limitation in certain cases.** 83. (1) In computing the period laid down under sections 77, 79, 84 and 85, the provisions of sections 4 and 12 of the Limitation Act, 1963, shall, so far as they may be, apply. (2) An appellate authority may admit any appeal under section 77 and the Tribunal may admit an application under section 84 after the period of limitation laid down in the said sections, if the appellant or the applicant satisfies the appellate authority or the Tribunal, as the case may be, that he had sufficient cause for not preferring the appeal or making the application, within such period.



*Explanation.*—When an appeal is preferred under section 77 or an application is made under section 79 or 84 after the period of limitation laid down in those sections, the fact that the appellant or the applicant, as the case may be, came to know any judgment, decision or order of any Court, Tribunal or other authority after the expiry of the period of limitation aforesaid (whether such judgment, decision or order was delivered or made before or after the expiry of that period), shall not be sufficient cause for the purpose of this section.

84. (1) Within ninety days from the date of communication of any order passed by the Tribunal under the provisions of this Act, the person in whose proceedings such order is passed or the Commissioner may, by application in writing (accompanied where the application is made by that person by a fee as may be prescribed but not exceeding rupees two hundred and fifty) require the Tribunal to refer to the High Court any question of law arising out of such order. The Tribunal shall, as soon as may be after the receipt of such application, draw a statement of case and refer it to High Court, provided that, if the Tribunal refuses to state the case which it has been required to do on the ground that no question of law arises, then that person, or, as the case may be, the Commissioner, may, within ninety days of such refusal, either withdraw his application (and if he does so any fee paid shall be refunded), or apply to the High Court against such refusal.

Statement  
of case to  
the High  
Court.

(2) If upon receipt of an application under sub-section (1), the High Court is not satisfied as to the correctness of the decision of the Tribunal, it may require the Tribunal to state the case and refer it; and accordingly, on receipt of any such requisition the Tribunal shall state the case and refer it to the High Court.

(3) If the High Court is not satisfied that the Statement in the case referred under this section is sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein, as the High Court may direct in that behalf.

(4) The High Court, upon the hearing of any such case, shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(5) Where a reference is made to the High Court under this section, the costs shall be in the discretion of the Court.

(6) The payment of the amount of tax, if any, due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1), shall not be stayed pending the disposal of such application or any reference made in consequence thereof; but if such amount is reduced as a result of such reference, the excess tax paid shall be refunded in accordance with the provisions of section 61.

(7) The refund of any amount due to any person in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall be granted by the Commissioner provided that if the authority competent to grant such refund is of the opinion that the grant of refund is likely to adversely affect the revenue, such authority may with the previous approval of the Commissioner direct such person to furnish a suitable bank guarantee or security to the satisfaction of such authority before granting such refund :

Provided that, where such refund cannot be granted to such person by reason of his inability to furnish a suitable bank guarantee or security to the satisfaction of the authority competent to grant such refund and if that matter is finally decided in favour of the person concerned, then the State Government shall, on application of such person, pay simple interest at the rate of twelve per cent per annum on the amount from the expiry of ninety days from the date of receipt of the order passed by the Tribunal to the date of issue of refund payment order.

**Rectification of mistakes.** 85. (1) The Commissioner may at any time within two years from the date of any order passed by him, of his own motion, initiate proceedings to rectify any mistake apparent from the record, and shall within a like period rectify any such mistake which has been brought to his notice by any person who was a party to such order and is affected by it

Provided that, no such rectification shall be made if it has the effect of adversely affecting any person unless the Commissioner has given notice in writing to such person of his intention to do so and has allowed such person a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of a mistake in an order passed by an appellate authority (including the Tribunal) under section 77 or by a revising authority under section 79 or by the Settlement Commission under section 80 as they apply to the rectification of a mistake by the Commissioner; and likewise the revising authority, the Tribunal or the Settlement Commission may rectify a mistake apparent from the record, on an application by the Commissioner or any officer appointed under section 31 or by any person affected by the order.

(3) Where any such rectification has the effect of reducing the amount of the tax, interest, amount forfeited or penalty, the Commissioner shall, in the prescribed manner refund any amount due to such person.

(4) Where any such rectification has the effect of enhancing the amount of tax, interest, amount forfeited or penalty or reducing the amount of the refund, the Commissioner shall recover the amount due from such person in the manner laid down in section 53.

**Certain transfers to be void.** 86. (1) Where, during the pendency of any proceeding under this Act or after the completion thereof, any assessee creates a charge on, or parts with the possession (by way of sale, mortgage, gift, exchange or any other mode of transfer whatsoever) of, any of his assets in favour of any other person, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the assessee as a result of the completion of the said proceeding or otherwise :

Provided that, such charge or transfer shall not be void if it is made—

(i) for adequate consideration and without notice of the pendency of such proceeding or, as the case may be, without notice of such tax or other sum payable by the assessee ; or

(ii) with the previous permission of the Commissioner.

(2) This section applies to cases where the amount of tax or other sum payable or likely to be payable exceeds five thousand rupees and the assets charged or transferred exceed ten thousand rupees in value.

*Explanation.*—In this section, “assets” means land, building, machinery, plant, shares, securities and fixed deposits in banks, to the extent to which any of the assets aforesaid does not form part of the stock-in-trade of the business of the assessee.

**Provisional attachment to protect revenue in certain cases.** 87. (1) Where, during the pendency of any assessment or reassessment proceedings under section 44 or section 46 or the corresponding provisions of the earlier law, the authority, before which such proceedings are pending, is of the opinion that for the purpose of protecting the interests of the revenue it is necessary so to do, that authority may, with the previous approval of the Commissioner by order in writing, attach provisionally any property belonging to the dealer or person in respect of whom the proceedings are pending.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1) :

Provided that, the Commissioner may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so, however, that the total period of extension shall not in any case exceed two years.

## CHAPTER VIII •

## OFFENCES AND PENALTIES

## 88. (1) Whoever—

Offences  
and  
Penalties.

(a) without sufficient cause, carries on business as a dealer in contravention of sub-section (1) of section 34, or

(b) not being a Registered dealer under section 34 falsely represents that he is or was a Registered dealer at the time when he sells or buys any goods or

(c) fails to surrender his certificate of registration as required by sub-section (7) of section 34 or fails to surrender his Authorisation, Recognition or Permit, as required by clause (a) of sub-section (1) of section 39, or

(d) fails, without sufficient cause, to furnish any information required by section 41, or

(e) fails without sufficient cause to furnish any return as required by section 43 or 59 by the date and in the manner prescribed, or

(f) furnishes a return under section 43 or 59, which is false, or

(g) not holding an Authorisation, Recognition, Permit or certificate under section 59, falsely represents at the time when he purchases or sells any goods that he holds Authorisation, Recognition, Permit or certificate under section 59, or

(h) gives declaration or certificate under section 10, 12, 13, 15, 16 or 59 which he knows or has reason to believe to be false, or

(i) issues to any person or knowingly produces before the Commissioner false bill, cash memo, voucher, declaration, certificate or other documents for any purpose referred to in sub-section (5) of section 50, or

(j) fails without sufficient cause to pay any amount of money as required by section 53, or

(k) contravenes any of the provisions of section 24 or, without sufficient cause, contravenes any of the provisions of section 68, or

(l) without sufficient cause, contravenes any of the provisions of section 69, or

(m) without sufficient cause, contravenes any of the provisions of sub-sections (1) and (3) of section 70, or

(n) without sufficient cause, fails to comply with any requirement made of him under section 71, or

(o) knowingly produces incorrect or false accounts, registers or documents or furnishes incorrect or false information in any proceedings under this Act, or

(p) obstructs any officer making an inspection or search or seizure under section 71, or

(q) aids or abets any person in the commission of any act specified in clauses (a) to (p)

shall, on conviction, be punished,—

(i) when the offence is under clause (f), (g), (h), (i), (o), (p) or (q) read with any of the aforesaid clauses, with rigorous imprisonment for a term which may extend to three years and with fine :

Provided that, in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court, such imprisonment shall not be for less than one month and such fine shall not be less than five hundred rupees;

(ii) when the offence is under clause (k), with simple imprisonment for a term which may extend to six months or with fine which shall not be less than the amount collected in contravention of section 68 or with both;

(iii) when the offence is under any other provisions of this sub-section, with simple imprisonment for a term which may extend to six months or with fine not exceeding two thousand rupees or with both;

(iv) when the offence is a continuing one under any of the provisions of this sub-section, with a further daily fine not exceeding one hundred rupees during the period of continuance of the offence.

(2) Where a dealer is accused of an offence specified in clauses (b), (c), (d), (e), (g), (h), (i), (k), (l), (m), (n), (o) or (p) of sub-section (1), the person deemed to be a manager of the business of such dealer under section 72 shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.

(3) No prosecution for an offence under this section shall be instituted in respect of the same facts on which a penalty has been imposed and paid under any provisions of this Act.

Action  
against any  
authority  
for  
vexatious  
order or  
wilful  
under  
assessment  
etc.

89. The Commissioner may,—

(i) on receipt of any complaint from any dealer or person liable to pay tax under this Act that any authority has made in the proceedings of such dealer or person a false or vexatious order or has taken any action under this Act vindictively, or

(ii) on receipt of a report from any authority appointed under section 31 or from the Tribunal or from the Settlement Commission that a particular authority has knowingly or wilfully under-assessed any dealer or person or has passed a false or vexatious order or has taken any action under this Act vindictively, or

(iii) on his own motion, if he has reason to believe that any authority has passed such order or taken such action or has made such under-assessment,

within three months, initiate appropriate enquiry or action in the matter, and if in his opinion *prima facie* case against such authority exists, he may proceed against such authority under the Bombay Civil Services Conduct, Discipline and Appeal Rules or any other relevant rules for the time being in force.

Disclosure  
of  
information  
by a public  
servant.

90. (1) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Act, or in any record of proceedings given in the course of any proceedings under this Act (other than proceedings before a Criminal Court), or in any record of any assessment proceedings, or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall, save as provided in sub-section (3), be treated as confidential; and notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall, save as aforesaid, be entitled to require any servant of the Government, to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

1 of  
1872.

(2) If, save as provided in sub-section (3), any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Nothing contained in this section shall apply to the disclosure—

XLV  
of  
1860.  
II of  
1947.

(a) of any such particulars in respect of any such statement, return, accounts documents, evidence, affidavit or deposition in any record of assessment and recovery proceedings for the purpose of any prosecution under the Indian Penal Code or the Prevention of Corruption Act, 1947, or this Act, or any other law for the time being in force; or

(b) of any such particulars to the State Government or to any authority acting in the execution of this Act, or to any person for carrying out the purposes of this Act; or

(c) of any such particulars, when such disclosure is occasioned by the lawful employment under this Act of any process for the service of any notice or the recovery of any demand; or

(d) of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceedings under this Act; or

(e) of any such particulars to any officer appointed to audit receipts or refunds of the tax imposed by this Act; or

XXX-  
VII of  
1850.

(f) of any such particulars, where such particulars are relevant to any inquiry into the conduct of an officer of the Sales Tax Department to any person or persons appointed as Commissioner under the Public Servants (Inquiries) Act, 1850, or to any officer, otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution, when exercising its function in relation to any matter arising out of such inquiry; or

XLVI  
of  
1973.

(g) of any such particulars to any officer, authority or body performing any functions under any law relating to the imposition of any tax, duty, or cess or to dealings in foreign exchange as defined in section 2(h) of the Foreign Exchange Regulation Act, 1973; or

(h) of any such particulars to such officer, authority of the Central or any State Government or of any body performing functions under any other law as may be necessary for the purposes of enabling that Government or body to administer that law; or

Bom.  
LX  
of  
1958,  
II of  
1899.

(i) of any such particulars, when such disclosure is occasioned by the lawful exercise by a public servant of his powers under the Bombay Stamp Act, 1958 or the Indian Stamp Act, 1899, to impound an insufficiently stamped document; or

(j) of any such particulars, where such particulars are relevant to any inquiry into a charge of misconduct in connection with sales tax proceedings against a legal practitioner, sales tax practitioner, Cost Accountant or Chartered Accountant to the authority empowered to take disciplinary action against members practising the profession of a legal practitioner, sales tax practitioner, Cost Accountant or Chartered Accountant, as the case may be; or

(k) of any such particulars to the Director of Economics and Statistics or any officer serving under him or to any person or persons authorised under sub-section (3) of section 73 as may be necessary for enabling the Director or such person or persons to work out the incidence of tax on any commodity; or

(l) of any such particulars to any person or agency entrusted with the work relating to compilation and computerisation of the information for the purposes of the administration of this Act; or

(m) of any such particulars, relating to any dealer or person, in respect of any assessment or reassessment made under this Act or under earlier law, on or after the appointed day, to a person who makes an application to the Commissioner in the prescribed form asking for such particulars, if the Commissioner is satisfied that it is in the public interest so to do. The decision of the Commissioner to disclose or not to disclose any particulars shall be final and shall not be called in question in any court of law.

(4) (i) Notwithstanding anything contained in sub-section (l) of section 91, if the State Government is of opinion that it is necessary or expedient in the public interest to publish or disclose the names of any dealer or other persons and any other particulars relating to any proceedings under this Act in respect of such dealers and persons, it may publish or disclose or cause to be published or disclosed such names and particulars in such manner as it thinks fit.

(ii) No publication or disclosure under this section shall be made in relation to any tax levied or amount forfeited or penalty imposed or any conviction for any offence connected with any proceedings under this Act, until the time for presenting an appeal to the appropriate appellate authority has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

*Explanation.*—In the case of a firm, company or other association of persons, the names of the partners of the firm, the directors, managers, agents, secretaries, treasurers or managers of the company or the members of the association, as the case may be, may also be published or disclosed, if, in the opinion of the State Government, the circumstances of the case justify it.

**Disclosure of information required under section 73 and failure to furnish information or return under that section.** 91. (1) No information of any individual return or part thereof, with respect to any matter given for the purposes of section 73 shall without the previous consent in writing of the owner for the time being or his authorised agent be published in such manner as to enable any particulars to be identified as referring to a particular dealer and no such information shall be used for the purpose of any proceedings under the provisions of this Act.

(2) Except for the purpose of prosecution under this Act, or under the Indian Penal Code, no person who is not engaged in the collection of statistics under section 73 or for compilation, computerisation thereof in the administration of this Act shall be permitted to see or have access to any information or any individual return referred to in that section. XLV of 1860.

(3) If any person required to furnish any information or return under section 73,

(a) wilfully refuses or without lawful excuse neglects to furnish such information or return as may by that section be required, or

(b) wilfully furnishes or causes to be furnished any information or return which he knows to be false,

he shall, on conviction, be punished with fine which may extend to one hundred rupees, and in case of a continuing offence to a further fine which may extend to ten rupees for each day during which the offence continues.

(4) If any person engaged in connection with the collection of statistics under section 73 or compilation or computerisation thereof wilfully discloses any information or the contents of any return given or made under that section, otherwise than in execution of his duties under that section or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

92. (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 offences and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an 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 of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

(a) “company” means a body corporate and includes a firm, association of persons or body of individuals, whether incorporated or not, and

(b) “Director” in relation to a firm means a partner in the firm and in relation to any association of persons or body of individuals means any member controlling the affairs thereof.

(3) Where an offence under this Act has been committed by a Hindu undivided family, the *karta* thereof shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

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

Provided further that, where an offence under this Act has been committed by a Hindu undivided family 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 adult member of the Hindu undivided family, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Cognizance of offences.** 93. (1) No Court shall take cognizance of any offence punishable under section 88, 90 or 91 or under any rules made under this Act and no police officer shall investigate any such offence, except with the previous sanction of the Commissioner.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Act or rules made thereunder shall be cognizable and bailable. <sup>II of 1974.</sup>

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, it shall be lawful for a Metropolitan Magistrate or Magistrate of the First Class to pass on any person convicted of an offence under section 88, 90 or 91 a sentence of fine as provided in the relevant section, in excess of his powers under section 29 of the said Code. <sup>II of 1974.</sup>

**Investigation of offences.** 94. (1) Subject to such conditions as may be prescribed, the Commissioner may authorise either generally or in respect of a particular case or class of cases, any officer or person subordinate to him to investigate all or any of the offences punishable under this Act.

(2) Every officer so authorised shall in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1973, upon an officer in charge of a police station for the investigation of a cognizable offence. <sup>II of 1974.</sup>

**Compounding of offences.** 95. (1) The Commissioner may, either before or after the institution of proceedings for any offence punishable under section 88 or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees or where the offence charged is under clause (a), (b), (f), (g), (h), (i), (j), (k) or (o) of sub-section (1) of section 88 a sum not exceeding double the amount of tax which would have been payable on the sale, purchase or turnover to which the said offence relates, whichever is greater.

(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 accused person in respect of the same offence, and any proceedings, if already taken, shall stand abated.

#### CHAPTER IX MISCELLANEOUS

**Power to transfer proceedings.** 96. (1) The Commissioner may, after giving the parties a reasonable opportunity of being heard in the matter, wherever it is possible so to do, and after recording his reasons for doing so, by order in writing transfer any pending proceedings or class of proceedings under any provision of this Act, from himself to any other officer and he may likewise transfer any such proceedings including a proceeding 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 officers are situated in the same city, locality or place :

Provided further that, if any proceedings are transferred from one officer to any other officer where the offices of the two officers are situated in different towns, and the party affected makes an application, within 30 days from the date of receipt by him of the order of transfer, to review such order, the Commissioner shall, if he is satisfied that such transfer is likely to cause unreasonable hardship to such party, cancel such order.

(2) Where no proceedings are pending before any authority, then any authority having concurrent territorial jurisdiction over the dealer or person can initiate and complete the proceedings under any provisions of this Act.

*Explanation.*—For the purposes of this section, the proceedings shall be deemed to have commenced only when the authority having concurrent territorial jurisdiction issues notice under the provisions of this Act and the proceedings shall be deemed to be pending only after issue of such notice.



97. (1) Any person, who is entitled or required to attend before any authority in connection with any proceeding under this Act, may attend—

Appearance  
before any  
authority  
in  
proceedings.

(a) by a relative or a person regularly employed by him, or

(b) by a legal practitioner, a Chartered Accountant or a Cost Accountant, who is not disqualified by or under sub-section (2), or

(c) by a sales tax practitioner, who possesses the prescribed qualifications and is entered in the list which the Commissioner shall maintain in that behalf, and who is not disqualified by or under sub-section (2),

if such relative, or person employed, legal practitioner, Chartered Accountant, Cost Accountant or sales tax practitioner is authorised by such person in the prescribed form, and such authorisation may include authority to act on behalf of such person in such proceedings.

(2) The Commissioner may, by order in writing and for reasons to be recorded therein, disqualify for such period as is stated in the order from attending before any such authority any legal practitioner, Chartered Accountant, Cost Accountant or sales tax practitioner,—

(i) who has been removed or dismissed from Government service, or

(ii) who, being a legal practitioner, Chartered Accountant or Cost Accountant, is found guilty of misconduct by an authority empowered to take disciplinary action against the members of the profession to which he belongs, or

(iii) who, being a sales tax practitioner is found guilty of misconduct in connection with any proceedings under this Act by the Commissioner.

(3) No order of disqualification shall be made in respect of any particular person, unless he is given a reasonable opportunity of being heard.

(4) The order of the Commissioner shall not take effect until the expiry of one month of the making thereof or when an appeal is preferred, until the appeal is decided.

(5) Any person against whom any order of disqualification is made under this section may within one month of the date of communication of such order appeal to the Tribunal to have the order cancelled.

(6) The Commissioner may at any time *suo motu* or on an application made to him in this behalf, revoke any order made against any person under sub-section (2) and thereupon such person shall cease to be disqualified.

98. The Commissioner and all officers and persons appointed under section 31 and all members of the Tribunal and all members of the Settlement Commission XLV shall be deemed to be public servants within the meaning of section 21 of the of Indian Penal Code.

1860.

Persons  
appointed  
under  
section 31  
and  
member of  
Tribunal etc.  
to be  
public  
servants.

99. No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Indemnity.

**Power to make rules.** 100. (1) The power to make rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to carry out the purposes of this Act; and such rules may include rules for levy of fees for any of the purposes of this Act and for refund of any such fees or any part thereof.

(3) In making any rules, the State Government may direct that a breach thereof shall, on conviction, be punished with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) All rules made under this Act shall be subject to the condition of previous publication :

Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this Act.

**Notifications issued under section 10, 27 and 59 and rules made under the Act to be laid before both Houses and liable to be modified or annulled by them.** 101. Every notification issued under section 10, 27 or 59 and every rule made under section 100 shall be laid, as soon as may be, after it is issued or made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the notification or the rule or both the Houses agree that the notification or the rule should not be issued or made, and notify their decision to that effect in the *Official Gazette*, the notification or rules shall from the date of publication of such decision in the *Official Gazette* have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under the notification or the rule.

**Certain sales and purchases not to be liable to tax.** 102. Nothing in this Act or the rules made thereunder shall be deemed to impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

(a) (i) outside the State; or

(ii) in the course of the import of the goods into the territory of India, or the export of the goods out of such territory; or

(b) in the course of inter-State trade or commerce;

and the provisions of this Act and the rules made thereunder shall be read and construed accordingly.

*Explanation.*—For the purpose of this section, whether a sale or purchase takes place—

(i) outside the State, or

(ii) in the course of the import of the goods into the territory of India or export of the goods out of such territory, or

(iii) in the course of inter-State trade or commerce,

shall be determined in accordance with the principles specified in sections 3, 4 and 5 of the Central Sales Tax Act, 1956. LXXIV of 1956.

**Repeal.** 103. The Bombay Sales Tax Act, 1959, is hereby repealed.

Bom. LI of 1959.

104. (1) Notwithstanding the repeal by section 103 of the law referred to therein— **Savings.**

(a) that law (including any earlier law continued in force under any provisions thereof), and all rules, regulations, orders, notifications, forms and notices issued under those laws and in force immediately before the appointed day shall, subject to the provisions of sections 22, 30, 44 and 60, continue to have effect for the purposes of the levy, assessment, reassessment, appeal, revision, rectification, reference, collection, refund, set-off or reimbursement of any tax, or the granting of draw-back in respect thereof, or the imposition of any penalty, which levy, assessment, reassessment, appeal, revision, rectification, reference, collection, refund, set-off, draw-back, reimbursement or penalty relates to any period before the appointed day, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid;

Bom. LI of 1959. (b) any registration certificate issued by or under the Bombay Sales Tax Act, 1959, being a registration certificate in force immediately before the appointed day,

(i) shall in so far as the liability to tax under sub-section (1) of section 3 exists, be deemed, on the appointed day, to be a certificate of registration issued under this Act ; and

Bom. LI of 1959. (ii) any Authorization, Recognition or Permit issued under the Bombay Sales Tax Act, 1959, being an Authorization, Recognition or Permit in force immediately before the appointed day, shall be deemed, on the appointed day, to be an Authorization, Recognition or Permit issued under this Act, provided such Authorization, Recognition or Permit could have been granted under the provisions of this Act, if it had then been in force ;

and accordingly, such registration certificate, Authorization, Recognition or Permit shall be valid and effectual as a certificate of registration, Authorization or Permit under this Act, for a period to be notified in the *Official Gazette* by the Commissioner in this behalf or until a certificate of registration, Authorization, Recognition or Permit is duly issued or granted under this Act, whichever is earlier;

(c) any person entitled to appear before any authority under the law repealed shall be deemed to be entitled to appear before any authority under this Act, and accordingly, if such person is a sales tax practitioner, he shall be entitled to have his name entered in the list maintained under section 97.

(2) The certification of any dealer for any purpose under the provisions of the law so repealed, which certification was in force immediately before the appointed day, shall in so far as it is not inconsistent with any certification necessary or required by or under the provisions of this Act be deemed to be such certification under this Act and shall continue in force for a period to be notified in the *Official Gazette*, by the Commissioner in this behalf or until a fresh certificate is issued under this Act, whichever is earlier.

Bom. LI of 1904. (3) Without prejudice to the provisions contained in the foregoing sub-sections and subject thereto, section 7 of the Bombay General Clauses Act, 1904, shall apply in relation to the repeal of the law referred to in section 103, as if the law so repealed had been an enactment within the meaning of section 7 of that Act.

(4) Any reference in any provision of the law now repealed by this Act to an Officer, authority or Tribunal shall for the purpose of carrying into effect the provisions contained in sub-sections (1) to (3) of this section be construed as reference to the corresponding officer, authority or Tribunal appointed or constituted by or under this Act, and if any question arises as to who such corresponding officer, authority or Tribunal is, the decision of the State Government thereon shall be final.

Power to  
remove  
difficulties.

105. (1) If any difficulty arises in giving effect to the provisions of section 104 the State Government may, by order published in the *Official Gazette*, make such provisions or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of two years from the appointed day.

### SCHEDULE 'A'

(See section 5)

*Goods, the sale or purchase of which is free from all taxes*

Serial No.	Description of goods	Conditions and exceptions, subject to which exemption is granted
1	2	3
1	Agricultural implements worked or operated exclusively by human or animal agency, as may be specified, from time to time, by the State Government by notification in the <i>Official Gazette</i> and components and parts of such implements.	
2	Books and periodicals including almanacs, <i>Panchangs</i> and time tables for passenger transport services (but excluding catalogues, all publications which mainly publicize goods, services and articles for commercial purposes, race cards, account books, diaries and calendars, and such books which contain space exceeding eight pages for writing).	
3	Bread in loaf or rolls or in slices, toasted or otherwise.	
4	Bullock carts primarily made from wood and components, parts and accessories thereof.	
5	Butter-milk, Curds and <i>Lassi</i>	..
6	Cattle, Sheep, Goats, Pigs and Poultry	..
7	Cattle-feed including fodder and concentrates meant exclusively for cattle (but excluding cottonseed, oil cake and feed supplements).	
8	Cereals and Pulses— (i) in whole grain, split, broken or powder form (excluding maize flour) and (ii) in parched or puffed forms such as <i>Poha</i> , <i>Lahya</i> and <i>Churmura</i> .	
9	Charkha and other implements and components and spare parts of any of them used in the production of handspun yarn as may be specified by the State Government by notification in the <i>Official Gazette</i> .	
10	(i) Chillies and turmeric, whole or powdered; tamarind, whole or separated (excluding tamarind seed when sold in separated form). (ii) <i>Dhania</i> , <i>Methi</i> and <i>Suva</i> .	
11	Coconut in shell; and separated kernel of coconut, other than Copra.	

## SCHEDULE 'A'—contd.

1	2	3
12	(i) Cotton fabrics, (ii) Man-made fabrics, (iii) Woollen fabrics, (iv) Sugar, and (v) Tobacco  as defined from time to time in the First Schedule to the Central Excises and Salt Act, 1944, other than those covered by entry 3 of Schedule B.	
13	Eggs .. .. .	
14	Electricity .. .. .	
15	(a) <i>Farsan</i> , that is to say, eatables (other than sweet preparations) prepared wholly or mainly from gram or other pulses or gram flour or flour of other pulses as the State Government may, by notification in the <i>Official Gazette</i> , specify for the purposes of this entry.  (b) <i>Chivda</i> (other than that made of potato) ..	When sold at a price not exceeding Rs. 10 per kilogram.  Do.
16	Fertilizers .. .. .	
17	(a) Films and film strips certified by the Central Board of Film Censors to be predominantly educational in nature.  (b) Such films and film strips as may be recognised as educational by the State Government by notification in the <i>Official Gazette</i> .	
18	Firewood, Charcoal and <i>Badami</i> Charcoal ..	
19	Fish .. .. .	Except when sold in sealed containers..
20	Food and non-alcoholic drinks (excluding food and drinks specified in entry 35 of Part II of Schedule 'C') served at one time at a price not more than five rupees per person for consumption inside any eating house, restaurant, hotel, refreshment room or boarding establishment, which is not conducted primarily for the sale or service of food and drinks specified in entry 35 of Part II of Schedule 'C'.	
	<i>Explanation.</i> —An establishment shall be considered as primarily conducted for sale or service of food and drinks specified in entry 35 of Part II of Schedule 'C' if the aggregate sales of such articles (including those served) exceed fifty per cent of the total sales of food and drinks in any year.	
21	Fresh flowers.	
22	(i) Fresh Vegetables and potatoes, sweet potatoes, elephants' foot (Yam), onions and garlic. (ii) Fresh fruits.	
23	Glass Bangles.	

## SCHEDULE 'A'—contd.

1	2	3
24	(i) Handloom and parts thereof.	
	(ii) The following handloom accessories, namely:—	
	(a) <i>Rach</i>	
	(b) <i>Fant</i>	
	(c) Cotton healds	
	(d) Shuttles	
	(e) Bobbins	
	(f) Pins	
	(g) Pickers	
	(iii) The following handloom auxiliary machines, namely —	
	(a) Warping frames worked by hand,	
	(b) Sectional drum type warping machine worked by hand and V shaped creel, used therewith.	
	(iv) The following attachments to the handloom, namely Wooden dobbies.	
25	<i>Kumkum</i> in powder or liquid form. . . . .	
26	<i>Mangalsutra</i> with black glass beads sold at a price not exceeding five hundred rupees each.	
27	Manures excluding oil cakes.	
28	Mathematical instrument boxes, colour boxes and slide rules sold at a price not exceeding Rs. 10 per piece.	
29	Meat (including flesh of poultry) . . . . .	Except when sold in sealed containers.
30	Milk in liquid form, whether sweetened or not, but not including condensed milk, or flavoured milk.	* . . . . *
31	Motor spirit as defined in the Bombay Sales of Motor Spirit Taxation Act, 1958.	
32	(i) Footwear made by hand without using power at any stage.	When sold at a price not exceeding Rs. 30 per pair.
	(ii) Orthopaedic footwear . . . . .	When sold by a dealer recognised by the Commissioner in this behalf.
33	<i>Pan, Tambul, Vida</i> or <i>Patti</i> prepared from betel leaves.	* . . . . *
34	Plantain leaves, <i>Patraval</i> and <i>dron</i> .	
35	(a) Products of Village Industries as defined in the Khadi and Village Industries Commission Act, 1956, and the Bombay Khadi and Village Industries Act, 1960;	(I) When sold by a producer or a dealer certified for this purpose by the Commissioner after taking into account the recommendations of the Khadi and Village Industries Commission constituted under the Khadi and Village Industries Commission Act, 1956 or, as the case may be, of the Maharashtra State Khadi and Village Industries Board constituted under the Bombay Khadi and Village Industries Act, 1960, or
	(b) Khadi and readymade garments and other articles prepared from khadi.	

## SCHEDULE 'A'—concl'd..

1	2	3
	<i>Explanation.</i> —For the purposes of this entry <i>Khadi</i> means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India or from the mixture of any two or more of such yarns.	(2) when sold by another dealer who has purchased the goods from a producer or dealer certified under condition (1).
36	Readymade garments and other articles of personal wear (excluding hosiery goods, and garments and articles to which entry 35 of this Schedule and the articles of personal wear to which entry 64 in Part II of Schedule C applies) prepared from any textile fabrics sold at a price not exceeding twenty rupees per garment or article.	•
37	Salt — .. .. .	•
38	Silk worm eggs and silk worm cocoons .. .. .	•
39	(a) Slates of all kinds and slate pencils, chalk sticks and crayons, foot rules, exercise and drawing books and lead pencils excluding those covered by entry 28 of Part II of Schedule 'C'	•
	(b) Orreries and their parts — .. .	•
40	<i>Khandsari</i> sugar and Palmyra sugar produced without the aid of power in the course of production.	•
41	Sugarcane — .. .. .	•
42	Water, except when sold in sealed, capsuled or corked containers.	•

## SCHEDULE 'B'

(See sections 7, 18 and 20)

*Declared goods the sale or purchase of which is subject to sales tax or purchase tax and the rates of tax*

Serial No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
1	Coal including coke in all its forms	Four paise in the rupee.	Four Paise in the rupee.
2	Cotton, that is to say, all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise, but not including cotton-waste.	Do.	Do.

SCHEDULE 'B'—*contd.*

1	2	3	4
3	<p>(i) Cotton fabrics,</p> <p>(ii) Man-made fabrics,</p> <p>(iii) Woollen fabrics,</p> <p>(iv) Sugar, and</p> <p>(v) Tobacco</p>	Four paise in the rupee.	Four paise in the rupee.
	<p>as defined from time to time in the First Schedule to the Central Excises and Salt Act, 1944, and which are exigible to additional excise duty under the Additional Duties of Excise (Goods of Special Importance) Act, 1957, but are exempt, from time to time, from payment of the additional excise duty by or under the provisions of the said Act and which are specified, from time to time, by the State Government by notification in the <i>Official Gazette</i>.</p>		
4	Cotton yarn, but not including cotton yarn waste	Do.	Do.
5	<p>Crude oil, that is to say, crude petroleum oils and crude oils obtained from bituminous minerals (such as shale, calcareous rock, sand), whatever their composition, whether obtained from normal or condensation oil-deposits or by the destructive distillation of bituminous minerals and whether or not subjected to all or any of the following processes:—</p> <p>(1) decantation;</p> <p>(2) de-salting;</p> <p>(3) dehydration;</p> <p>(4) stabilisation in order to normalise the vapour pressure;</p> <p>(5) elimination of very light fractions with a view to returning them to the oil deposits in order to improve the drainage and maintain the pressure;</p> <p>(6) the addition of only those hydrocarbons previously recovered by physical methods, during the course of the abovementioned processes;</p> <p>(7) any other minor process (including addition of pour point depressants or flow improvers) which does not change the essential character of the substance.</p>	Do.	Do.
6	Hides and skins, whether in a raw or dressed state	Do.	Do.
7	<p>Iron and steel, that is to say,—</p> <p>(i) pig iron and cast iron, including ingot moulds, bottom plates, iron scrap, cast iron scrap, runner scrap and iron skull scrap;</p> <p>(ii) steel semis (ingots, slabs, blooms and billets of all qualities, shapes and sizes);</p> <p>(iii) skelp bars, tin bars, sheet bars, hoo-bars and sleeper bars;</p> <p>(iv) steel bars (rounds, rods, squares, flats, octagons and hexagons, plain and ribbed or twisted, in coil form as well as straight lengths);</p>	Do.	Do.



## SCHEDULE 'B'—contd.

1	2	3	4
<p>(v) steel structurals (angles, joints, channels, tees, sheet piling sections, Z sections or any other rolled sections);</p> <p>(vi) sheets, hoops, strips and skelp, both black and galvanised, hot and cold rolled, plain and corrugated, in all qualities, in straight lengths and in coil form, as rolled and in rivetted condition;</p> <p>(vii) plates both plain and chequered in all qualities;</p> <p>(viii) discs, rings, forgings and steel castings;</p> <p>(ix) tool, alloy and special steels of any of the above categories;</p> <p>(x) steel melting scrap in all forms including steel skull, turnings and borings;</p> <p>(xi) steel tubes, both welded and seamless, of all diameters and lengths, including tube fittings;</p> <p>(xii) tin-plate, both hot dipped and electrolytic and tinfree plates;</p> <p>(xiii) fish plate bars, bearing plate bars, crossing sleeper bars, fish plates, bearing plates, crossing sleepers and pressed steel sleepers, rails—heavy and light crane rails;</p> <p>(xiv) wheels, tyres, axles and wheel sets;</p> <p>(xv) wire rods and wires-rolled, drawn, galvanised, aluminised, tinned or coated such as by copper;</p> <p>(xvi) defectives, rejects, cuttings or end pieces of any of the above categories.</p>	<p>8 Jute that is to say, the fibre extracted from plants belonging to the species <i>Corchorus Capsularis</i> and <i>Corchorus olitorius</i> and the fibre known as mesta or binli extracted from plants of the species <i>Hibiscus cannabinus</i> and <i>Hibiscus subdariffa</i>-Var <i>alissima</i> and the fibre known as Sunn or Sannhemp extracted from plants of the species <i>Crotalaria Juncea</i> whether baled or otherwise.</p>	<p>Four paise in the rupee.</p>	<p>Four paise in the rupee.</p>
<p>9 Oilseeds, that is to say—</p> <p>(i) Groundnut or Peanut (<i>Arachis hypogaea</i>)</p> <p>(ii) Sesamum or Til (<i>Sesamum orientale</i>)</p> <p>(iii) Cotton seed (<i>Gossypium Spp.</i>)</p> <p>(iv) Soyabean (<i>Glycine soja</i>)</p> <p>(v) Rapeseed and Mustard—</p> <p>(1) Tona (<i>Brassica campestris</i> var <i>tona</i>)</p> <p>(2) Rai (<i>Brassica juncea</i>)</p> <p>(3) Jamba-Taramira (<i>Eruca Satiya</i>)</p> <p>(4) Sarson, yellow and brown (<i>Brassica campestris</i> var <i>sarson</i>).</p> <p>(5) Banarsi Rai or True Mustard (<i>Brassica nigra</i>).</p> <p>(vi) Linseed (<i>Linum usitatissimum</i>)</p> <p>(vii) Castor (<i>ricinus communis</i>)</p>		<p>Do.</p>	<p>Do.</p>

## • SCHEDULE 'B'—contd

1	2	3	4
	(viii) Coconut (i.e. Copra excluding tender coconuts) (cocos nucifera)		
	(ix) Sunflower (Helianthus annuus)		
	(x) Nigar seed (Guizotia abyssinica)		
	(xi) Neem, vepa (Azadirachta indica)		
	(xii) Mahua, Ilupai, Ippe (Madhuca indica M. Latifolia, Bassia, Latifolia and Madhuca longifolia syn. M. Longifolia).		
	(xiii) Karanja, Pongam, Honga (Pongamia pinnata syn. P. Glabra).		
	(xiv) Kusum (Schleichera oleosa, syn. S. Trijuga)		
	(xv) Punna, Undi (Calophyllum inophyllum)		
	(xvi) Kokum (Carcinia indica)		
	(xvii) Sal (Shorea robusta)		
	(xviii) Tung (Aleurites foidei and A. montana)		
	(xix) Red palm (Elaeis guinensis)		
	(xx) Safflower (Carthamus tinctorius)		

## SCHEDULE 'C'

(See sections 8, 18 and 20)

*Goods, other than declared goods, the sale or purchase of which is subject to sales tax or purchase tax and the rates of tax*

*Note.*—In this Schedule, where in any entry, the expression "sold at a price" is used, it shall, for the purposes of determining the rate of tax applicable to any goods covered by that entry, mean the sale price of the goods excluding the amount of tax, if such tax is separately charged.

## PART I

Serial No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
1	Bullion and specie <i>Explanation.</i> —The expression "bullion" in this entry means gold or silver of fineness of not less than fifty per cent.	One half of one per cent.	One half of one per cent.
2	Articles made of gold or silver or of both of fineness of not less than fifty per cent not containing precious stones, synthetic or artificial precious stones or pearls whether real, artificial or cultured, of a value exceeding one tenth of the value of each article.	Do.	Do.

## SCHEDULE 'C'—contd.

1	2	3	4
3	Articles and utensils made of <i>Kansa</i> (bell metal) ..	Two paise in the rupee.	Two paise in the rupee.
4	Betel leaves but not <i>Pan</i> , <i>Tambul</i> , <i>Vida</i> or <i>Patti</i> prepared therefrom specified in entry 33 of Schedule A.	Do.	Do.
5	Betelnuts .. .. .	Do.	Do.
6	Fish sold in sealed containers .. .. .	Do.	Do.
7	Flower seeds .. .. .	Do.	Do.
8	Fruit seeds and vegetables seeds (other than oil seeds, <i>Dhania</i> , <i>Methi</i> and <i>Suva</i> ), seeds of lucerne and other fodder grass ; seeds of the sann hemp ; bulbs, corns, rhizomes, suckers and tubers (other than edible tubers), bud grafts, cuttings, grafts, layers, seedlings and plants.	Do.	Do.
9	<i>Gur</i> including <i>Kakavi</i> or <i>Kakab</i> .. .. .	Do.	Do.
10	<i>Kumkum</i> in any form other than that specified in entry 25 in Schedule 'A'.	Do.	Do.
11	<i>Mangalsutra</i> with black glass beads sold at a price exceeding five hundred rupees each.	Do.	Do.
12	Meat including flesh of poultry when sold in sealed container.	Do.	Do.
13	Oil-cakes .. .. .	Do.	Do.
14	Poultry feed and concentrates exclusively meant for poultry but excluding feed supplements.	Do.	Do.
15	Safety matches (excluding matches ordinarily used as fire-works).	Do.	Do.
16	Readymade garments and other articles of personal wear (excluding hosiery goods, and garments and articles to which entries 35 and 36 of Schedule 'A' or entry 64 of Part II of Schedule 'C' applies) prepared from any textile fabrics.	Four paise in the rupee.	Four paise in the rupee.
17	Hosiery goods .. .. .	Do.	Do.
18	(i) Agricultural machinery and implements other than tractors, oil engines, electric motors, pumps and electric pumping sets and implements specified in entry 1 of Schedule 'A'.		
	(ii) Components, parts and accessories of agricultural machinery and implements other than components, parts and accessories of tractors, oil engines, electric motors, pumps, electric pumping sets and implements specified in entry 1 of Schedule 'A'.		
19	Aromatic chemicals and natural and synthetic essential oils; and their compounds.	Do.	Do.
20	Artificial silk fibre, yarn, thread and waste of any of them.	Do.	Do.

## • SCHEDULE 'C'—contd.

1	2	3	4
21	Caustic soda and soda ash .. ..	Four paise in the rupee.	Four paise in the rupee.
22	Cotton waste and cotton yarn waste ..	Do.	Do.
23	Cotton thread .. ..	Do.	Do.
24	(1) Medicines (other than those specified in any other entries in this Schedule or in any other Schedule) of the following description :—  Any medicinal formulation or preparation ready for use, internally or externally, for treatment or mitigation or prevention of diseases in human beings or animals.	Do.	Do.
	(2) Water for injection .. ..	Do.	Do.
25	(i) Gunny bags and hessian; jute twine .. ..	Do.	Do.
	(ii) Coir yarn or string ( <i>Kathya Dori</i> ) .. ..	Do.	Do.
26	(i) Kerosene .. ..	Do.	Do.
	(ii) Leco (brand name of Lignite marketed by Neyveli Lignite Corporation.	Do.	Do.
27	Mathematical instrument boxes, colour boxes and slide rules other than those specified in entry 28 of Schedule 'A'.	Do.	Do.
28	Milk products including flavoured milk and condensed milk (whether sweetened or not), milk powder, butter, ghee, <i>khoa</i> and <i>chakka</i> , but excluding articles covered by entry 5 of Schedule 'A' and entry 35 of Part II of this Schedule.	Do.	Do.
29	Non-ferrous metal powder, foils, sheets, rods, wires, bars, slabs, blocks, ingots, circles and scrap (other than those of gold and silver specified in entry 1 of Part I of this Schedule).	Do.	Do.
30	Petroleum products including furnace oil and light diesel oil but excluding kerosene, solvent oil, lubricants and motor spirits as specified in entry 31 of Schedule 'A'.	Do.	Do.
31	Raw silk, silk yarn, silk thread and waste of any of them.	Do.	Do.
32	Raw wool, wool-tops, woollen yarn (other than knitting yarn) and waste of any of them.	Do.	Do.
33	Staple fibre, staple fibre yarn and staple fibre thread and waste of any of them.	Do.	Do.
34	Starches, maize flour, tapioca flour and tamarind seed and powder thereof.	Do.	Do.
35	Vegetable non-essential oils other than hydrogenated vegetable oils and those to which entry 67 of Part II of this Schedule applies.	Do.	Do.

## SCHEDULE 'C'—contd.

## PART II

Serial No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
1	Bricks (other than refractory bricks) and earthen roofing tiles.	Six paise in the rupee	Six paise in the rupee
2	Boot polish .. ..	Do. ..	Do.
3	Cement .. ..	Do. ..	Do.
4	Coffee, chicory and tea in leaf or powder; instant tea and instant coffee.	Do. ..	Do.
5	Imitation jewellery. .. ..	Do. ..	Do.
6	Inks .. ..	Do. ..	Do.
7	Language records and cassettes, that is to say, gramophone records and cassettes for teaching or learning of languages.	Do. ..	Do.
8	Lubricants .. ..	Do. ..	Do.
9	Paper, that is to say,—		
	(i) Cigarette tissue .. ..	Do. ..	Do.
	(ii) Blotting, filter, toilet, target, tissue (other than Cigarette tissue), teleprinter, typewriting, Manifold, Bank, Bond, Art, Chrome, tubsized, Cheque, Stamp or Cartridge, Parchment and coated board (including Art-board, Chromeboard and board for playing cards).	Do. ..	Do.
	(iii) Printing and writing paper, wrapping paper (excluding Cellophane or PVC film and sheets), straw-board and pulpboard including grey-board, corrugated board, duplex and triplex boards, millboard, paste-board, and card-board.	Do. ..	Do.
10	Razors, components, parts and accessories thereof and razor blades.	Do. ..	Do.
11	(i) Sewing machines, components, parts and accessories thereof and needles used therewith.	Do. ..	Do.
	(ii) Hand-sewing and knitting needles of all kinds ..	Do. ..	Do.
12	Soaps of all kinds including medicated soaps (but excluding shampoos in liquid form) and detergents.	Do. ..	Do.
13	Spices of all kinds including pepper, saffron but excluding those covered by entry 10 in Schedule 'A.'	Do. ..	Do.
14	(i) Steel or aluminium Trunks .. ..	Do. ..	Do.
	(ii) School boxes made of steel or aluminium ..	Do. ..	Do.
15	Spectacles, sunglasses, goggles, lenses, contact lenses, glasses, rough blanks and frames, components, parts and accessories thereof.	Do. ..	Do.

## SCHEDULE 'C'—contd.

1	2	3	4
16	Syringes of all kinds intended for use by the medical profession and components, parts and accessories thereof and needles used therewith.	Six paise in the rupee.	Six paise in the rupee.
17	Utensils and articles made of non-ferrous metals but excluding— (i) Utensils and articles made of gold and silver .. (ii) Utensils and articles made of non-ferrous metal specified elsewhere.	Do.	Do.
18	Umbrellas of all kinds, including garden and beach umbrellas and components, parts and accessories thereof.	Do.	Do.
19	Zari thread and embroidery materials of gold, silver or gilded metal including <i>badla</i> and <i>kasab</i> .	Do.	Do.
20	(1) Glassware, Chinaware, glazed earthenware or articles made of porcelain other than those specified in sub-entry (b) of entry 23 and entry 49 of Part II of this Schedule. (i) When sold at a price not exceeding 3 rupees per piece. (ii) When sold at a price exceeding three rupees per piece.	Four paise in the rupee.	Four paise in the rupee.
	(ii) When sold at a price exceeding three rupees per piece.	Twelve paise in the rupee.	Twelve paise in the rupee.
	<i>Explanation.</i> —(a) One cup and one saucer, and (b) any vessel and its lid sold together shall be deemed to be one piece but not a set of cups and saucers, plates or dishes etc.		
	(2) All kinds of glass sheets, glass rods, glass tubes, glass ampoules and silvered mirrors.	Twelve paise in the rupee.	Twelve paise in the rupee.
21	Bicycles, tandem cycles, tricycles and cycle combinations and tyres, tubes, components, parts and accessories thereof.	Eight paise in the rupee.	Eight paise in the rupee.
22	Food and non-alcoholic drinks not being food or drinks to which entry 98 in this Schedule applies, served at one time for consumption inside any eating house, restaurant, hotel, refreshment room or boarding establishment— (a) at a price more than five rupees but not more than thirty rupees per person. (b) at a price of more than thirty rupees per person ..	Eight paise in the rupee.	Eight paise in the rupee.
	(b) at a price of more than thirty rupees per person ..	Fifteen paise in the rupee.	Fifteen paise in the rupee.
23	(a) Articles of cement and asbestos cement (other than those specified elsewhere). (b) Hume pipes and glazed earthenware pipes ..	Eight paise in the rupee.	Eight paise in the rupee.
	(b) Hume pipes and glazed earthenware pipes ..	Do.	Do.
24	Books and periodicals other than those covered by entry 2 of Schedule 'A'	Do.	Do.
25	(i) Building materials including lime, sand, stone, rubble, refractory bricks but excluding those specified elsewhere. (ii) Timber (other than firewood), Bamboo (whether whole or split), plywood and hard-board.	Do.	Do.
	(ii) Timber (other than firewood), Bamboo (whether whole or split), plywood and hard-board.	Do.	Do.

SCHEDULE C — *contd.*

1	2	3	4
26	Coir products including coir mattresses but excluding those specified in sub-entry (ii) of entry 25 of Part I and entry 80 of this Schedule.	Eight paise in the rupee	Eight paise in the rupee.
27	Food stuffs and food provisions of all kinds including dried fruits and dried vegetables, raw, semi-cooked, semi-processed, or ready to serve foods, pickles, sauces, jams, marmalades, jellies, preserved fruits and honey excluding items specified in entries 28 and 35 in Part I of Schedule 'C'.	Do.	Do.
28	Fountain pens, ball pens, stylograph pens and propelling pencil and components, parts and accessories of such pens and pencils and refills used therewith.	Do.	Do.
29	Horses.	Do.	Do.
30	Hydrogenated vegetable oils including vanaspati.	Do.	Do.
31	Insecticides, pesticides, fungicides and weedicides.	Do.	Do.
32	Oil engines (other than those covered by entry 62 in this Schedule) and components, parts and accessories thereof.	Do.	Do.
33	Professional, scientific and laboratory instruments, implements and tools other than those specified elsewhere; and components, parts and accessories of any of them.	Do.	Do.
34	Rubber and rubber products other than those specified elsewhere.	Do.	Do.
35	(1) Sweets and sweetmeats, including <i>Shrikhand</i> , <i>Basundi</i> and <i>Doodhpak</i> ; Cakes, pastries, biscuits and other confectioneries, ice-cream and <i>kulfi</i> and non-alcoholic drinks containing ice-cream or <i>kulfi</i> .	Do.	Do.
	(2) Sweet drops, toffees and chocolates ..	Do.	Do.
36	Tooth powders and tooth pastes of all kinds whether medicated or not and tooth brushes.	Do.	Do.
37	Tarpaulins.	Do.	Do.
38	Tents, sails and canvas goods, other than those specified elsewhere.	Do.	Do.
39	Toys and sports goods other than those specified elsewhere.	Do.	Do.
40	X-ray apparatus and films, plates and other equipments required for use therewith; and components, parts and accessories of any such apparatus or equipments.	Do.	Do.
41	(i) Bangles made of plastic .. ..	Two paise in the rupee.	Two paise in the rupee.
	(ii) Bangles made of Ivory .. ..	Eight paise in the rupee.	Eight paise in the rupee.
42	Footwear other than that specified in entry 32 in Schedule 'A'—		
	(a) When sold at a price not exceeding Rs. 30 per pair.	Do.	Do.

## SCHEDULE 'C'—contd.

1	2	3	4
	(b) When sold at a price exceeding Rs. 30 per pair.	Twelve paise in the rupee.	Twelve paise in the rupee.
43	Coal Gas	Ten paise in the rupee.	Ten paise in the rupee.
44	(a) Electrical goods of all kinds (other than those specified elsewhere in this Schedule) used in the generation, transmission, distribution or in connection with the consumption of electricity such as all kinds of wires and cables, holders, plugs, switches, casings, cappings, reapers, bends, junction boxes, meter-boards, switch-boards, electrical earthenware and porcelainware.	Do.	Do.
	(b) All instruments, apparatus and appliances (other than electronic systems, instruments, apparatus and appliances specified in entry 96 in this Schedule).	Do.	Do.
	(c) Generators and transformers and components, parts and accessories of any of them.	Do.	Do.
45	Stoves, pressure lamps including petromax and cookers of all kinds and components, parts and accessories of any of them including gas mantles.	Do.	Do.
46	Stainless steel articles and utensils other than those specified elsewhere.	Twelve paise in the rupee.	Twelve paise in the rupee.
47	Aerated waters and non-alcoholic beverages (including fruit juices, squashes, syrups and cordials) when sold in sealed, capsuled, or corked bottles, jars, tins, drums or other containers.	Do.	Do.
48	Aeroplanes of all kinds including helicopters and components, parts and accessories of any of them.	Do.	Do.
49	Sanitary-ware of all kinds (excluding cement pipes, hume pipes and glazed earthenware pipes specified in entry 23 of this Part) and fittings thereof.	Do.	Do.
50	Binoculars, telescopes, opera glasses and magnifying glasses and components, parts and accessories of any of them.	Do.	Do.
51	Cigarette cases, holders and lighters, tobacco pipes and hooka.	Do.	Do.
52	Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment and lenses, films and film strips (other than those declared tax-free under entry 17 of Schedule 'A') and cinema carbons required for use therewith and components, parts and accessories of any of them and cinema slides and raw films.	Do.	Do.
53	Country liquor, as defined in the Maharashtra Country Liquor Rules, 1973.	Do.	Do.
54	Dictaphone and other similar apparatus for recording sound; and components, parts and accessories thereof.	Do.	Do.
55	Floor, wall, or roofing tiles, other than those covered by entry 1 of this Schedule.	Do.	Do.
56	Furniture (other than that specified in entry 84 of this Schedule).	Do.	Do.



## SCHEDULE 'C'—contd.

1	2	3	4
57	Gold and Silver filigree .. .. .	Twelve paise in the rupee.	Twelve paise in the rupee.
58	Goods made primarily from any kind of plastic other than those specified elsewhere.	Do.	Do.
59	Gramophones of every description, components, parts and accessories thereof, needles used therewith and gramophone records other than those covered by entry 7 of this Part.	Do.	Do.
60	(a) Jewellery including articles containing precious stones, synthetic or artificial precious stones or pearls whether real, artificial or cultured, the value of which exceeds one-tenth of the value of the article.	Do.	Do.
	(b) Precious stones, synthetic or artificial precious stones and pearls whether real, artificial or cultured.	Do.	Do.
61	Plastic Laminates .. .. .	Do.	Do.
62	(1) Motor vehicles including motor cars, motor taxi-cabs, motor cycles, motor cycle combinations, motor scooters, motorbikes, motor omnibuses, motor vans, motor lorries and chassis of motor vehicles and bodies or tankers built or meant for mounting on chassis of motor vehicles but excluding tractors whether on wheels or on tracts.	Do.	Do.
	(2) (a) Components and parts of vehicles specified in sub-entry (1).	Do.	Do.
	(b) other articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of vehicles specified in sub-entry (1), not being such articles as are predominantly also used otherwise than as such parts and accessories.	Do.	Do.
	(c) Trailers adapted for use along with vehicles specified in sub-entry (1), not being such trailers as are predominantly also used along with any other vehicles.	Do.	Do.
63	(a) Photographic and other cameras and enlargers, lenses, papers, films and plates required for use therewith and components, parts and accessories thereof and photographic prints, whether mounted, framed or otherwise.	Do.	Do.
	(b) Raw diapositive films and plates .. .. .	Do.	Do.
64	Silk fabrics as defined in the First Schedule to the Central Excises and Salt Act, 1944 and Handloom silk fabrics; and articles made from silk fabrics and handloom silk fabrics (but excluding pile carpets).	Do.	Do.
65	Solvent oil .. .. .	Do.	Do.
66	Sound transmitting equipments including telephones, loudspeakers and electrically operated gramophones, record players and record changers; and components, parts and accessories of such equipments but excluding sound amplifying apparatus carried on the person and adapted for use as a hearing aid.	Do.	Do.

## . SCHEDULE 'C'—contd

1	2	3	4
67	(a) Synthetic pigments other than textile dyes ..	Twelve paise in the rupee.	Twelve paise in the rupee.
	(b) All kinds of paints other than those specified in entry 75 of this Schedule but including distempers, cement colours or paints, powder paints, stiff paste paints, enamels and liquid paints, whether ready for use or not.	Do.	Do.
	(c) Varnishes, french polish, vegetable turpentine, paint removers and stainers of all kinds.	Do.	Do.
	(d) All kinds of vehicles, diluents and thinners, including natural and synthetic drying and semidrying oils such as double boiled linseed oil, blown linseed oil, stand oil, sulphurised linseed oil, perilla oil, whale oil and tung oil.	Do.	Do.
68	Table cutlery including knives, forks and spoons but excluding aluminium spoons.	Do.	Do.
69	Vacuum flasks of all kinds including thermoses, thermic jugs, ice buckets or boxes, urns and other domestic receptacles to keep food or beverages hot or cold and components, parts and accessories thereof.	Do.	Do.
70	Wireless reception instruments and apparatuses and radio gramophones and electrical valves, batteries, transmitters, accumulators, amplifiers and loudspeakers required for use therewith and components, parts and accessories of such wireless instruments, apparatuses and radio gramophones.	Do.	Do.
71	Arms including rifles, revolvers, pistols and ammunition therefor and components, parts and accessories thereof.	Do.	Do.
72	Clocks, time pieces and watches, electric time switches, mechanical timers, time recorders and stop watches, and components, parts and accessories thereof.	Fifteen paise in the rupee.	Fifteen paise in the rupee.
73	(a) Domestic and commercial electrical appliances such as grinders, mixers, blenders, irons, lighters, hair driers, shavers, washing machines, heaters, hot plates, toasters, cooking ranges, boilers, ovens, geysers, vacuum cleaners and components, parts and accessories of any of them.	Do.	Do.
	(b) All kinds of electric fans, air circulators and exhaust fans.	Do.	Do.
74	Ice and dry ice .. .. .	Do.	Do.
75	(a) Acrylic and plastic emulsion paints .. .. .	Do.	Do.
	(b) All types of lacquers .. .. .	Do.	Do.
76	Articles made of ivory (other than those specified in entry 41 of this Schedule), sandal wood or black wood or inlaid therewith and ornamental metalware (not being articles specified in entry 2 of Part I of this Schedule).	Do.	Do.
* 77	Ganja, Bhang, Charas and opium .. .. .	Do.	Do.

SCHEDULE 'C'—*contd.*

1	2	3	4
78	Culinary and flavouring essences .. .. .	Fifteen paise in the rupee.	Fifteen paise in the rupee.
79	Fire-works including matches and other articles ordinarily used as fire-works.	Do.	Do.
80	Foam rubber or plastic foam or other synthetic foam or fibre foam or rubberised coir and articles made therefrom.	Do.	Do.
81	Ladies handbags and vanity bags .. .. .	Do.	Do.
82	Lifts, hoists and cranes operated by electricity or any other power and components, parts and accessories thereof.	Do.	Do.
83	Marble, granite and articles made of marble or granite	Do.	Do.
84	Metal safes, cash boxes and almirahs, all kinds of metal furniture, whether sold in assembled or unassembled form and ready to assemble parts of metal furniture, furniture made from fibreglass reinforced plastics or made primarily from any kind of plastics, upholstered furniture and furniture in the manufacture of which laminated sheets are used.	Do.	Do.
85	Non-potable liquors, that is,— (a) rectified spirit (b) denatured spirit (c) methyl alcohol (d) absolute alcohol (e) any other liquor which the State Government may by notification in the <i>Official Gazette</i> declare to be non-potable for the purposes of this entry.	Do.	Do.
86	Perfumes (excluding those covered by entry 19 of Part I of this Schedule) depilatories, cosmetics, toilet articles and preparations whether medicated or otherwise (including hair creams, hair tonic and liquid shampoo) but excluding those covered by any other entry of this or any other Schedule.	Do.	Do.
87	Pile carpets .. .. .	Do.	Do.
88	Suit cases, attache cases, brief cases and despatch cases	Do.	Do.
89	Spirituos medicinal preparations containing more than twelve per cent by volume of alcohol (but other than those which are declared by the State Government by notification in the <i>Official Gazette</i> to be not capable of causing intoxication).	Do.	Do.
90	Tabulating, calculating, cash registering, indexing, card punching, franking and addressing machines and components, parts and accessories of such machines.	Do.	Do.
91	Television sets and antennas, television cameras, television monitors and components, parts and accessories of any of them.	Do.	Do.

## SCHEDULE 'C'—contd.

1	2	3	4
92	(i) Typewriting machines, components, parts and accessories thereof and ribbons used therewith.	Fifteen paise in the rupee.	Fifteen paise in the rupee.
	(ii) Duplicating machines including duplicators and any other apparatus for obtaining copies whether of reduced, enlarged or the same size as the original and ribbons, plates and stencils used in connection therewith and teleprinters and components, parts and accessories of any of them.	Do.	Do.
	(iii) Tape recorders, magnetic tapes, cassettes for use therewith (other than those specified in entry 7 of this Part) and components, parts and accessories of any of them.	Do.	Do.
93	(a) Fluorescent tubes of all varieties and their fittings, including shades, chokes and starters and other components, parts and accessories pertaining to such tubes.	Do.	Do.
	(b) Electric bulbs other than those covered by any other entry of this Schedule or any other Schedule.	Ten paise in the rupee.	Ten paise in the rupee.
	(c) Torches of all varieties, and components, parts and accessories thereof including bulbs used therewith.	Twelve paise in the rupee.	Twelve paise in the rupee.
	(d) Dry cells and dry batteries of all varieties .. .. .	Do.	Do.
94	Air-conditioning plant, including air-conditioners and air-coolers and components, parts and accessories thereof—		
	(a) of capacity upto 1.5 tonnes .. .. .	Fifteen paise in the rupee.	Fifteen paise in the rupee.
	(b) of capacity over 1.5 tonnes .. .. .	Twenty paise in the rupee.	Twenty paise in the rupee.
95	Refrigeration plants and all kinds of refrigerating appliances and equipments, including refrigerators, deep freezers, mechanical water coolers, bottle coolers, walk-in coolers and components, parts and accessories of any of them.—		
	(a) of capacity upto 165 litres .. .. .	Fifteen paise in the rupee.	Fifteen paise in the rupee.
	(b) of capacity over 165 litres .. .. .	Twenty paise in the rupee.	Twenty paise in the rupee.
96	(a) Computers and components, parts and accessories thereof and tapes, spools and discs used therewith.	Twenty paise in the rupee.	Twenty paise in the rupee.
	(b) Electronic systems, instruments, apparatus and appliances other than those specified elsewhere and components, parts and accessories of any of them.	Do.	Do.
97	Furs and articles made therefrom .. .. .	Do.	Do.
98	Food or drink served for consumption in hotel or restaurant or any part thereof or in any other place, with which a cabaret, floor show or similar entertainment is provided therein.	Forty paise in the rupee.	Forty paise in the rupee.

SCHEDULE 'C'—*contd.*

1	2	3	4
99	Country liquor (that is, all liquor other than country Liquor to which entry 53 in this Schedule applies and other than foreign liquor to which entry 100 in this Schedule applies).	Fifty paise in the rupee.	Fifty paise in the rupee.
100	Foreign liquor as defined from time to time in rule 3(6) (1) of the Bombay Foreign Liquor Rules, 1953—		
	(i) such Foreign Liquor brought into India ..	Fifty paise in the rupee.	Fifty paise in the rupee.
	(ii) such Foreign Liquor manufactured in India—		
	(a) Fermented liquors and Mild liquors ..	Thirty-five paise in the rupee.	Thirty-five paise in the rupee.
	(b) Any other liquors ..	Twenty-five paise in the rupee.	Twenty-five paise in the rupee.
101	All goods other than those specified from time to time, in the other Schedules and the preceding entries of this Schedule.	Eight paise in the rupee.	Eight paise in the rupee.