



The Sikkim Transport Infrastructure Development Fund Act, 2004

Act 2 of 2004

Keyword(s):

Cess, Fund, Goods

Amendment appended: 3 of 2006

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.

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Tuesday 26th October, 2004 No. 407

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 2/LD/2004

Dated: 15.10.2004

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 4th day of October, 2004 is published for general information.

**THE SIKKIM TRANSPORT INFRASTRUCTURE DEVELOPMENT FUND
ACT, 2004
(ACT NO.2 OF 2004)
AN
ACT**

to establish a fund and to develop, maintain or improve transport infrastructure in Sikkim and for such purpose to levy and collect cess on sale of motor spirit commonly known as petrol and high speed diesel oil and to provide for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to create a fund and to develop, maintain or improve transport infrastructure in Sikkim and for such purpose to levy and collect cess on sale of motor spirit commonly known as petrol and high speed diesel oil and to provide for matters connected therewith or incidental thereto;

BE it enacted by the Legislature of Sikkim in the Fifty-fifth Year of the Republic of India as follows: -

. CHAPTER-I Preliminary

**Short title, extent
and commencement.**

1. (1) This act may be called the Sikkim Transport Infrastructure Development Fund Act, 2004.
- (2) It extends to the whole of Sikkim
- (3) It shall come into force on the 1st day of August, 2004

- Definitions.** 2. in this Act, unless the context otherwise requires:-
- 4, (a) "cess" means the cess levied and collected under section
- 5; (b) "fund" means the Sikkim Transport Infrastructure Development Fund established under sub-section (1) of section
- (c) "goods" means the goods specified in column (2) of the First Schedule;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Schedule" means a Schedule appended to this Act;
- (g) "State Government" means the Government of Sikkim.

CHAPTER-II

Authorities for the purposes of levy and collection of cess

- Cess authorities.** 3. (1) The State Government shall, by notification, appoint an authority (hereinafter referred to as the prescribed authority), and shall appoint such other person being the officers of the State Government, to assist the prescribed authority as the State Government may think fit for carrying out the purposes of this Act.
- whole of Sikkim. (2) The prescribed authority and the persons appointed under subsection (1) to assist him shall have jurisdiction over the
- (3) The persons appointed to assist the prescribed authority shall exercise such powers as may be delegated to them by the prescribed authority.
- (4) The prescribed authority and the persons appointed to assist him under subsection (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.
- (5) No suit, prosecution or other legal proceedings shall lie against the prescribed authority or the persons appointed under subsection (1) to assist him for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

CHAPTER -III

Incidence and levy of cess, rate of cess and payment of cess.

Incidence of cess, rate thereof, payment of cess and furnishing return.

4. (1) There shall be levied and collected, for the purposes of this Act, a cess on every sale in Sikkim by any person of goods, specified in column (2) of the First Schedule, which have not been purchased by such person in Sikkim, at the rate specified in the corresponding entry in Column (3) of the said Schedule.
- (2) The cess leviable under sub-section (1) shall be payable by the person who sells such goods in Sikkim.
- (3) The person referred to in sub-section(2) shall furnish a return to such

authority in such form, in such manner and at such interval, as may be prescribed and such person, in the prescribed manner, pay the full amount of cess before furnishing such return.

- (4) The cess leviable under sub-section (1) shall be in addition to any tax or duty, by whatever name called, leviable on sale of the goods under any other law for the time being in force in Sikkim.

CHAPTER - IV

Sikkim Transport Infrastructure Development Fund

Establishment of fund.

5. (1) There shall be established for the purposes of this Act a fund to be called the Sikkim Transport Infrastructure Development Fund (2) (2) The fund shall be under the control of the State Government and there shall be credited to the following:-
- (a) any sum of money credited under section 6;
 - (b) any sum of money credited under section 7;
 - (c) any sum realized by the State Government in carrying out its functions under this Act or in the administration of this Act;
 - (d) any fund provided by the Central Government for the creation, development, maintenance or improvement of transport infrastructure;
- (3) The balance to the credit of the fund shall not lapse at the end of the financial year.

Crediting of cess to the fund.

6. The proceeds of the cess levied under section 4 shall first be credited to the Consolidated Fund of Sikkim and the State Government may, if the State Legislature by appropriation made by law in this behalf so provides, credit such proceeds to the fund from time to time after deducting the expense of collection, for being utilized exclusively for the purpose of this act.

Grants and loans by State Government.

7. The State Government may, after due appropriation made by the State Legislature by law in this behalf, credit in the fund, by way of grants or loans such sums of money as the State Government may consider Necessary.

Utilisation of Fund.

8. The fund shall be utilized for:-
- (a) the creation, development, maintenance or improvement of transport infrastructure, including roads, bridges and flyovers;
 - (b) the improvement of traffic operations and road safety;
 - (c) the purposes of such other projects as may be prescribed.

CHAPTER - V

Management of the Fund

Maintenance of accounts. Administration of fund.

9. The State Government shall maintain proper accounts and other relevant records in such form and in such manner, as may be prescribed.
10. The State Government shall administer the fund and take such decisions regarding investment in projects of transport infrastructure, traffic operation and road safety as it considers necessary.

CHAPTER - VI

Miscellaneous

Power to make rules.

11. (1) The State Government may, by notification, make rules for Carrying out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provisions of this Act are required to be prescribed, or to be provided for, by rules.

Amendment of

Sikkim Sales Tax Act, 1983.

12. The Sikkim Sales Tax Act, 1983 shall be amended in the manner specified in the Second Schedule to this Act.

The First Schedule

(See section 4.)

SI. No	Name of goods	Rates of cess
(1)	(2)	(3)
1.	Motor spirit commonly known as petrol	Rupee one per litre.
2.	High speed diesel oil	Rupee one per litre.

The Second Schedule

(See section 12.)

Amendment In the Sikkim Sales Tax Act, 1983.

1. In the Sikkim Sales Tax Act, 1983 (hereinafter referred to as the said Act), in section 2, in clause (n), after the words "less any sum allowed as cash discount, the words and figures "or any sum charged as cess leviable under the Sikkim Transport Infrastructure Development Fund Act, 2004", shall be inserted.
2. In the said Act, in section 6, for the words, "any goods or class of goods may be taxed", the words, "tax/cess on any goods or class of goods, as applicable, may be realized", shall be substituted.

By Order of the Governor.

Tashl Wangdi, SSJS
Legal Remembrancer-cum-
Secretary Law.
(File No. 16(82) LD/97-2004

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Saturday 1st April, 2006

No. 94

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 24 /LD/2005.

Date: 31st March 2006.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 24th day of March, 2006 is hereby published for general information:-

**THE SIKKIM TRANSPORT INFRASTRUCTURE DEVELOPMENT FUND
(AMENDMENT) ACT, 2006**

(ACT No. 3 OF 2006)

**AN
ACT**

further to amend the Sikkim Transport Infrastructure Development Fund Act, 2004.

Be it enacted by the Legislature of Sikkim in the Fifty-seventh Year of the Republic of India as follows:-

- Short title, extent and commencement** 1. (1) This Act may be called the Sikkim Transport Infrastructure Development Fund (Amendment) Act, 2006.
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once.
- Amendment of section 4** 2. In the Sikkim Transport Infrastructure Development Fund Act, 2004,-
(i) in sub-section (1) of section 4,-
(a) after the words "a cess on every sale" and before the words "in Sikkim", the words "or self consumption, or utilization for commercial purpose or consumption in the process of manufacturing of goods, or execution of works contract, or operation of machine, equipment or motor vehicles employed for any commercial activities, by importing from outside the State, by making purchase or otherwise," and,-

(b) after the words “by any person” and before the words “of goods”, the words “or the State or Central Government including department of other States situated in Sikkim, any local body, any authority or Corporation, established by or under any statute and any State or Central Government undertaking”, shall respectively be inserted;

(ii) in sub-section (2) of section 4,-

(a) after the words “ the person” and before the words “who sells”, the words ““or the State or Central Government including department of other States situated in Sikkim, any local body, any authority or Corporation, established by or under any statute and any State or Central Government undertaking”, and,-

(b) after the words “who sells” and before the words “such goods in Sikkim”, the words “or consumes for self or utilizes for commercial purpose or consumes in the process of manufacturing of goods, or execution of works contract, or operation of machine, equipment or motor vehicles employed for any commercial activities,”, shall respectively be inserted;

(iii) In sub-section (3) of section 4, after the opening words “The person” and before the words “referred to”, the words “or the Government or the body or the organizations” shall be inserted.

(iv) In sub-section (4) of section 4, after the words “leviable on sale” and before the words “of the goods”, the words “or self consumption or utilization for commercial purpose or consumption in the process of manufacturing of goods, or execution of works contract, or operation of machine, equipment or motor vehicles employed for any commercial activities”, shall be inserted.

(v) For the existing First Schedule, the following Schedule shall be substituted, namely:-

**“The First Schedule
(See section 4)**

Sl. No	Name of goods	Rates of Cess
(1)	(2)	(3)
1.	Motor spirit commonly known as petrol	Rupees two per litre.
2.	High-speed diesel oil	Rupees two per litre”.