

GIDC BULSAR (EXPANDED) NOTIFIED AREA CONSOLIDATED TAX RULES, 1991

GUJARAT

India

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WHEREAS by Government Proclamation, Industries, Mines and Energy Department, No. GHU-91 (17/GID/1087/142-G1, dated the 19th. March, 1991 published in Extra Gazette No. (68) Part IV-B at page Nos. 1 to 3 of the Gujarat Government Gazette, Extra Ordinary, dated the 19th March, 1991 it was proposed to apply Notified Area Consolidated Tax Rules thereafter referred to as "the said Rules)" specified the Appendix "A" annexed thereto the Bulsar (expanded) Notified Area constituted in exercise of powers conferred by Section 16 of the Gujarat Industrial Development Act, 1962. (Gujarat 23rd of 1962) as Notified Area by Government Notification Industries Mines and Energy Department No. GHU-90 (6) GID/084/1142/G-I, dated the 8th January 1990 and GHU/91 (16) GID/1087/1142/G-L, dated the 18th March, 1991, and objections were also invited in writing from all persons within 2 months from the date of publication of the said proclamation. And whereas no objections have been received by the Collector Bulsar in respect of the said proclamation. The Government of Gujarat in consultation with the Collector Bulsar and Gujarat Industrial Development Corporation in exercise of the powers conferred by clause (b) of sub-section (1) of Section 264 B of the Gujarat Municipalities Act, 1963 (Guj.34 of 1964), hereby applies, the provision of the said Rules specified in the Appendix-'A' annexed hereto, to the said Notified Area namely Bulsar (Expanded).

1. Short Title :-

These rules may be called the GIDC Bulsar (expanded) Notified Area Consolidated Tax Rules, 1991.

2. Definitions. :-

In these rules, unless there is something repugnant in the context of the subject matter, (a) "Land" means as defined in sub-section (2) of Section 2 of the Gujarat Municipalities Act, 1963. (b) "Building" means as defined in sub-section (2) of Section 2 of the Gujarat Municipalities Act, 1963. (c) "building used for residential purposes" means any building or set of buildings within

the same enclosures used by one and the same occupier as a human dwelling or as a place for the custody or property including animals, not intended for sale in the ordinary course or trade;(d)"building used for business purposes" means any building or set of buildings within the same enclosure used by one and the same occupier for preparing or manufacturing any kind of goods and services or for trade or for transport business or for any purpose other than residential;(e)"Owner" means an owner as defined in sub-section (18) of Section 2 of the Gujarat Municipalities Act, 1963.(f)"Corporation" means the Gujarat Industrial Development Corporation constituted under the Gujarat Industrial Development Act, 1962;(g)"Senior Officer, GIDC" means an officer of the Corporation appointed for Notified Area under Section 16 of the Gujarat Industrial Development Act by notification in the Official Gazette of the Government.(h)"The Act" means the Gujarat Municipalities Act, 1963.(i)"The Year" means the official year commencing from 1st April of each year.(j)"occupier" means an allottee of the Corporation as a licensee, a leasee or an owner of property by virtue of conveyance deed as the case may be or a person in possession of property by virtue of rent lease or as a caretaker, trustee or otherwise or other owners of property situated within the notified area for the time being receiving the rent of any land or building whether on his own account or as an agent or trustee for any other person or for any society or for any religious or charitable purposes or who would so receive the rent if such land or building were let to a tenant.Explanation.-Lessee person in possession of property by virtue of conveyance deed, rent lease, shall have the same meaning as defined in the Disposal of Property Regulations of the Corporation or Disposal of Land Regulation of the Corporation or Rent Regulation as the case may be.(k)"Notified Area" means an area declared of such under section 16 of the Gujarat Industrial Development Act by notification in the Official Gazette;

3. Nature and rate of tax. :-

A consolidated tax on all buildings and land situated within the limits of Notified Area shall be levied as per Annexure 'B' in lieu of the following taxes;(a)Tax on buildings and lands.(b)General sanitary Cess.(c)Lighting tax.

4. Exemptions. :-

The following shall be exempted from the consolidated tax:-(a)Central and State Government District Panchayat, Taluka Panchayat or Gram and Nagar Panchayat, District School Board and Municipal School Building.(b)All buildings and lands which are protected monuments within the meaning of the Ancient Monuments Preservation Act, 1904, and not deriving any revenue or rent.(c)All buildings and lands or portions thereof used or occupied exclusively for public worship or for charitable and educational purposes, and not yielding any revenue or rent.

5. . :-

For the purpose of these rules any occupier engaged in the manufacture of goods and services only, shall be exempted for first year beginning from the date of allotment from the payment of taxes imposed under these rules, Commencing from the second year and ending with the 5th year, the taxes shall be levied at 50% of the full rate and thereafter. The tax shall be levied at full rate, and in

case of an occupier within the notified area not being an allottee of GIDC, the period for such exemption shall be reckoned from the date of his first becoming the owner or occupier of such land or his first obtaining such lands.

6. Owner of super-structure primarily liable. :-

When the owner of the super structure of a building is alleged to be other than the owner of the land on which it stands, the owners of the super structure shall be primarily liable to the Senior Officer and Notified Area Officer for the tax.

6A. Assessment and liability of the consolidated Tax. :-

(a)The tax shall be assessed as per provisions for the purpose contained in Gujarat Municipalities Act, 1963.(b)An occupier shall be primarily liable for payment of taxes under these rules.

7. Mode of Payment. :-

The tax shall be payable in advance in one installment on or before the first day of April, in each year, and shall be received accordingly.

8. Remissions and refund. :-

Remissions and refunds may be granted by the Notified Area Officer as under:-(1)If any building or land which has remained vacant and not put to use throughout the year, remission or refund to the extent of not more than one half of the amount of the tax shall be granted, provided that no such remission or refund shall be granted unless notice in writing of the fact of the building being vacant and unproductive has been given to the Notified Area Officer and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.(2)If wholly or in great part demolished or destroyed by fire or otherwise deprived of value, remission or refund to the extent of not more than one fourth of the amount of the tax shall be given.

9. When notice in writing to be given. :-

It shall be the duty of the owner of a building or land to give a notice in writing to the Notified Area Officer within one month:(a)in case a building is newly erected or constructed,(b)in case a building which has been already assessed is either enlarged, rebuilt, reconstructed, on additions and alterations are made thereto, or is otherwise improved so as to raise its capital value.(c)in case a building or land which has already been assessed is divided,(d)in case a building is wholly or in part demolished or destroyed by fire or has fallen down or is otherwise deprived of letting value.

10. Assessment of building. :-

When such a notice in writing under rule 9(a) to (d) is received, the Notified Area Officer after making such inquiries as are deemed necessary, shall cause the building to be assessed. On the valuation being sanctioned by the Notified Area Officer it will be entered in a list to be separately kept and after the conclusion of the year corresponding alterations should be made in the authenticated assessment list.

11. Who should be entered as owner in Assessment List when the succession is in dispute. :-

When there is any dispute about the succession to any person whose name is entered as owner of any property in the Assessment List, the name of such of the claimants to succession as in the possession of the property by actual occupation or otherwise shall be entered as owner in Assessment List and the tax shall be recovered from him until on the settlement of the dispute or the production of the order of a competent Court, the other claimant satisfied the Notified Area Officer that he is entitled to be entered as owner of the property either jointly with the first claimant or to his exclusion.

12. Transfer and Transferee to give notice in Writings. :-

Whenever the title of any person primarily liable for payment of the tax in respect of any building or land is transferred by an instrument in writing or otherwise, the transferor and the transferee shall, within three months after the transfer is effected give notice in writing to the Notified Area Officer, who after making such inquiries are deemed necessary, or the transferee to be entered in the Assessment List in lieu of that of the transferor. The transferee shall hence forth be liable for the tax due for the whole year including arrears if any, in respect of the property transferred.

13. Heir to give notice in writing. :-

In the event of the death of the person, primarily liable for the payment of the tax the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the Notified Area Officer within three months from the date of the death of the deceased. The Notified Area Officer after making such inquiries as are deemed necessary order the name of the heir to be substituted for that of the deceased in the Assessment list and the heir whose name is so substituted shall be liable for payment of arrears of the tax due from the deceased and also for the year in which his name is so substituted.

14. . :-

The Notified Area Officer shall manage work relating to the consolidated tax and also decide every question relating thereto and his decision shall be final.