

The M.P. Vikraya Rashi Tatha Kraya Rashi Par Kar Adhiniyam, 1972

MADHYA PRADESH

India

The M.P. Vikraya Rashi Tatha Kraya Rashi Par Kar Adhiniyam, 1972

Act 8 of 1972

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The M.P. Vikraya Rashi Tatha Kraya Rashi Par Kar Adhiniyam, 1972(M.P. Act No. 8 of 1972)[Dated 22nd April, 1972]Received the assent of the Governor on the 22nd April, 1972; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 28th April, 1972.An Ad to levy a tax on the turnover of sale price and turnover of purchase price of goods in the State of Madhya Pradesh.Be it enacted by the Madhya Pradesh Legislature in the Twenty-third Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Madhya Pradesh Vikraya Rashi Tatha Kraya Rashi Par Kar Adhiniyam, 1972.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Sales Tax Act" means, the Madhya Pradesh General Sales Tax Act, 1958 (II of 1959);(b)"tax" means a tax payable under this Act;(c)"taxable turnover" in relation to any period means total of the taxable turnover of sale price and taxable turnover of purchase price;(d)"taxable turnover of purchase price" in relation to any period means that part of a dealer's turnover of purchase price on which tax is leviable under Section 7 or Section 8 of the Sales Tax Act, which remains after deducting therefrom the purchase price of declared goods;(e)"taxable turnover of sale price" in relation to any period means that part of a dealer's turnover of sale price for such period which remains after deducting therefrom-(i)the sale price of goods other than motor spirit declared tax free under Section 10 or Section 12 of the Sales Tax Act;(ii)the sale price of declared goods; and(iii)the sale price of goods sold outside the State or sold in the course of inter-State trade or commerce, or sold in the course of import of the goods into or

export of the goods out of the territories of India;(f)"turnover of purchase price" in relation to any period means the aggregate of the amount of purchase price as construed under clause (o) of Section 2 of the Sales Tax Act paid and payable by a dealer during that period;(g)"turnover of sale price" means turnover as defined in clause (t) of Section 2 of the Sales Tax Act;(h)expressions used but not defined in this Act and defined in the Sales Tax Act, shall have the meaning assigned to them in that Act.

3. Incidence of taxation.

- [(1) Every registered dealer other than a dealer who holds a licence under Section 13 of the Sales Tax Act and every dealer deemed to be registered under sub-section (2), of Section 7 of that Act whose turnover of sale price or turnover of purchase price during a period of twelve months immediately preceding the date of commencement of the Madhya Pradesh Vikraya Rashi Tatha Kraya Rashi Par Kar (Sanshodhan) Adhiniyam, 1974, exceeds Rs. 50,000 shall, from the said date, be liable to pay tax under this Act in respect of his sales and purchases on his taxable turnover.] [Substituted by M.P. Act No. 30 of 1974 (w.e.f. 31-8-1974).](2)Every such dealer to whom sub-section (1) does not apply shall be liable to pay tax under this Act in respect of his sales and purchases on his taxable turnover with effect from the date on which his turnover of sale price or turnover of purchase price calculated during a period of twelve months immediately preceding such date first exceeds [Rs. 50,000] [Substituted by M.P. Act No. 30 of 1974 (w.e.f. 31-8-1974).];Provided that the Central Government or a State Government or any of their departments or offices shall not be liable to pay tax under this Act.

4. Liability to tax.

- The tax payable by a dealer under this Act shall be levied on his taxable turnover [at the rate of two-fifth of one per cent] [Substituted by M.P. Act No. 30 of 1974.] on such taxable turnover and such tax shall be payable in addition to the tax payable under the Sales Tax Act.

5. Provisions of Sales Tax Act to apply.

- Subject to the provisions of this Act and the rules made thereunder, all the provisions of the Sales Tax Act shall apply to dealers in relation to the tax levied under this Act as if such tax' were a tax levied and payable under that Act.

6. Assessment, Collection, etc. of tax.

- Subject to the provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the Sales Tax Act shall assess, re-assess, collect and enforce the payment of tax including any penalty payable by a dealer under this Act as if the tax or penalty payable by such dealer under this Act is a tax or penalty payable under that Act and for this purpose; they may exercise all or any of the powers they have under that Act and the provisions of that Act including provisions relating to returns, advance

payment of tax, transfer of liability of any firm or undivided Hindu family to pay tax in the event of the dissolution of such firm or partition of such family, recovery of tax from third parties, appeals, rectifications, revisions, reference, refunds, penalties, compounding of offences, and treatment of documents furnished by a dealer as confidential shall apply accordingly.

7. Power to make rules.

(1)The State Government may make rules to carry out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, the State Government may make rules prescribing,-(a)the form in which the returns are to be filed;(b)the form and the manner in which and the period before which the tax has to be paid;(c)the form in which the order of assessment has to be passed;(d)the form in which the notice of demand should be issued.(3)All rules made under this section shall be laid on the table of the Legislative Assembly.

8. Repeal.

- The Madhya Pradesh Vikraya Rashi Tatha Kraya Rashi Par Kar Adhyadesh, 1971 (No. 9 of 1971) is hereby repealed.