

Compounded Levy Scheme for Mini-Cement Plants, 2001

RAJASTHAN

India

Compounded Levy Scheme for Mini-Cement Plants, 2001

Rule

COMPOUNDED-LEVY-SCHEME-FOR-MINI-CEMENT-PLANTS-2001 of 2001

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Compounded Levy Scheme for Mini-Cement Plants, 2001Published vide Notification No. F.4(7)FD/Tax-Div/98-dated 2-5-2001, published in Rajasthan Gazette Extraordinary, part 4(ga)(2), dated 4-5-2001, page 47(1)S.O. 30. - In exercise of the powers conferred by sub-section (1) of Section 5 of the Rajasthan Sales Tax Act, 1994 (Rajasthan Act No. 22 of 1995), the State Government being of the opinion that it is expedient in the public interest so to do, hereby notifies the "Compounded Levy Scheme for Mini-Cement Plants to opt for compounding of their tax liability on the sales of goods manufactured by them within the State on payment of composition amount in the manner, to the extent and for the period as provided for by this Notification.

1. Operation of the Scheme.

- This scheme has come into operation with effect from 1st April, 2001 and shall remain in force [upto 31-3-2005 or the date on which the Rajasthan Value Added Tax Act, 2003 comes into force, whichever is earlier] [Substituted from time to time by Dated 22-3-2002, published in Rajasthan Gazette Extraordinary, part 4(ga), dated 22-3-2002 page 578, Dated 1-4-2003, published in Rajasthan Gazette Extraordinary, part 4(ga), dated 1-4-2003 page 6 and Dated 1-2-2004, published in Rajasthan Gazette Extraordinary, part 4(ga), dated 1-2-2004 page 333(5).].

2. Eligibility.

- This scheme shall apply to such Mini-Cement Plants-(a)Which are not availing the benefits under Incentive Schemes of 1987 or 1989 or 1998;(b)Whose installed production capacity is upto 200 TPD;(c)Against which cases of avoidance or evasion of tax have neither been registered nor are pending.

3. Composition amount.

(a) Mini-Cement Plants, having installed capacity of 50 TPD and eligible under clause 2 shall be required to pay imposition amount of Rs. 3.00 lac per year and shall be calculated proportionately for the period during which composition remains in force, on the condition that if such beneficiary unit effects sales in a year more than 335 times of 60% of its daily production capacity, it shall have to pay tax on sale of such excess quantum of cement at the rate of tax notified for cement under Section 4 of the Rajasthan Sales Tax Act, 1994. (b) For Mini-Cement Plants having installed capacity of more than 50 TPD, the composition amount shall be proportionately calculated on the rates of sub-clause (a) above. (c) The composition amount shall be proportionately revised during the operative period, in case of sales tax rate revision or enhancement in installed capacity. (d) In case a dealer availing the benefit of the scheme opts out of it, he shall have to pay the composition amount along with interest, for the year in which he so chooses to opt out, within a period of 30 days of exercising of such option.

4. Mode of payment of composition amount.

- Payment of composition amount shall be made in equal monthly installments by the close of the 7th day of every month in the Government Treasury by means of challan in Form S.T. 10 or through a demand draft in favour of the Assessing Authority of the dealer.

5. Compounded levy certificate.

(a) The Mini-Cement Plant opting for the Scheme shall submit an application in Form MC-1 to the Assessing Authority within a period of 30 days from the publication of this notification: [Provided that where a Mini-Cement Plant has failed to opt for the scheme within the stipulated period, he shall be allowed to avail the benefit on the following conditions:-(i) that such plant deposits in addition to composition amount a late fee, amounting to twenty five percent of the composition amount required to be deposited, for the financial year under this scheme where it exercises option under sub-clause (a) by 31-1-2004, and such late fee shall be fifty percent of the composition amount if it exercises option under sub-clause (a) by 31-3-2004, (ii) that such plant shall deposit the tax charged or collected, if any, to the State Government before making application for availment of the scheme under this proviso.] (b) On receipt of application in Form MC-1, the Assessing Authority, if satisfied, shall determine the composition amount and shall thereafter issue the compounded levy Certificate in Form MC-2.

6. Assessment.

- The Compounded Levy Certificate shall be deemed to be the assessment order cum demand notice and no separate assessment order shall be required to be passed in respect of the turnover of the Mini-Cement Plants under the Scheme.

7. Conditions.

(a)The dealer shall not collect or charge from its purchaser any tax on the sale of goods.(b)The dealer shall not be entitled to claim any deduction, set off, partial exemption or refund in respect of purchases made by him.(c)The dealers covered under this scheme shall be subject to all provisions of the Rajasthan Sales Tax Act, 1994 and Rules made thereunder the terms and conditions contained in this Notification.(d)If the dealer violates any of the conditions of the Scheme or aids or abets the evasion or avoidance of tax, the Assessing Authority, after affording him a reasonable opportunity of being heard, may cancel the certificate with immediate effect. On such cancellation, the remaining amount payable under the Scheme, in addition to the evaded tax amount, alongwith interest, and penalties, if any, shall be recoverable from the dealer as arrears under the Rajasthan Sales Tax Act, 1994.

Form MC-1Application for Sanction of Certificate under Compounded Levy Scheme for Mini-Cement Plants-2001.

To, The Assessing Authority Ward Circle I.....
 Prop./Partner/Managing Director/ of M/s..... (Address)..... having
 Registration No..... under RST Act, 1994, apply for compounded levy of sales tax on the sale of cement manufactured by the Mini-Cement Plant situated at.....The particulars of production and tax deposit after the expiry of benefits under Incentive Scheme of 1987/1989 are as under:

1. Year in which benefit under Incentive Scheme 1987/1989 was exhausted.

2. Annual installed capacity of the plant (inclusive of expansion if any,)

3. Percentage of actual production vis-a-vis installed capacity in the year 2000-2001.

4. Amount of tax liability in the year 2000-2001

I/We accept and admit the composition amount as per clause 3 of the above Scheme as under:-

Year 2001-02

*Amount Rs.3.00 lac upto production capacity of 50 TPD per day.

Production capacity

I/We hereby, do undertake to abide by all the terms and conditions of the scheme and all provisions of RST Act, 1994 and the rules made thereunder.I/We further declare and verify that to the best of my/our knowledge and belief that the information give above is true and correct and nothing has been concealed herein.

Signature*The amount is to be calculated for a Mini-Cement Plant with a capacity of 50 TPD. For Mini-Cement Plants with higher capacity, the amount shall be increased proportionately.

Form MC-2Composition Certificate Under the "Compounded Levy Scheme for Mini Cement Plants-2001"

Book No. Circle.....

S. No. Ward.....

On being satisfied with the contents of MC-1 dated submitted by the applicant dealer under the "Compounded Levy Scheme for Mini-Cement Plants-2001" I hereby permit M/s..... address..... who/which holds R.C.No. under RST Act, 1994, to pay composition amount in lieu of tax on the sale of cement manufactured by their plant situated at..... in accordance with the provisions of the said Scheme as follows:

Year	Installed capacity of Mini-Cement Plant (TDP)	Composition amount under the scheme (Rs. in Lac)	Amount of monthly installment required to bedeposited	Date of payment of first installment	Signature and seal of Assessing Authority
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2001-02

The monthly installments are to be paid by the 7th day of every month. This certificate shall remain valid initially for the period from..... of 20..... to 31st March of 2002.

Place: Signature

Dated: Designation

The Composition Scheme for registered dealers carrying on business of [Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle) commercially known as hawai chappals, of materials other than leather] [Substituted by Notification dated 16-4-2002.], 1999[Notification No. F.4(4) FD/Tax-Div.99-229, dated 5-6-1999, published in Rajasthan Gazette Extraordinary part IV-C, dated 10-6-1999, page 151 (6).]As amended by Notification. dated 16-4-2002, published in Rajasthan Gazette Extraordinary part IV-C, dated 16-4-2002, page 50.S.O. 25. - In exercise of the powers conferred by Section 5 of the Rajasthan Sales Tax Act, 1994, the State Government being of the opinion that it is expedient in the public interest so to do, hereby notifies the "Composition Scheme for registered dealers carrying on business of [Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle commercially known as hawai chappals. of materials other than leather] [Substituted by Notification, dated 16-4-2002.], 1999" (hereinafter referred to as "the scheme"), and permit such dealers to opt for composition amount in lieu of their tax liability in respect of Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle commercially known as hawai chappals, of materials other than leather with in the State on payment of composition amount determined on the basis of their gross turnover as disclosed from their books of accounts.1.0Date of Commencement. - This scheme shall come into force with effect from April 1, 1999.2.0Composition Amount. - 2.1 The composition amount to be paid per annum per dealer in lieu of tax shall be for the composition period of five years and shall be determined for the first year as follows:

S. No	Annual Gross turnover (inclusive of inter-Statesales turnover) in the immediate preceding year	Annual Composition amount
1	2	3
1.	Below Rs. 1.00 lac	Nil
2.	Rs. 1.00 lac and above but less than Rs. 2.00 lac	Rs. 4000/-
3.	Rs. 2.00 lac and above but less than Rs. 3 lac	Rs. 8000/-
4.	Rs. 3.00 lac and above but less than Rs. 4 lac	Rs. 12000/-

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| 5. | Rs. 4.00 lac and above but less than Rs. 5.00 lac | Rs. 16000/- |
| 6. | Rs. 5.00 lac above but less than Rs. 50.00 lac : | |
| | (a) For first Rs. 5.00 lac | (a) Rs. 16000/- |
| | (b) For every turnover of Rs. 1.00 lac or part thereof in excess of Rs. 5.00 lac. | (b) Rs. 3500/- |
| 7. | Rs. 50.00 lac and above : | |
| | (a) For first Rs. 50.00 lac | (a) Rs. 173500/- |
| | (b) For every turnover of Rs. 1.00 lac or part thereof in excess of Rs. 50.00 lac. | (b) Rs. 3000/- |

2.2 For subsequent years, the composition amount shall be 110% of the composition amount determined for the immediately preceding year. 2.3 In cases where a dealer availing of the benefit of the scheme opt out of it and at any time thereafter opts for the scheme again, the composition amount payable shall not be less than what was payable in the last composition. 2.4 The composition amount determined under this scheme shall be proportionately revised when the rate of tax/surcharge on such hawaii Chappals with 'V' straps, is revised under Section 4 or 13 of the Rajasthan Sales Tax Act, 1994. 3.0 Manner of payment of Composition Amount. - 3.1 The annual composition amount shall be paid in twelve equal monthly instalments and shall be deposited upto the 7th day of every month starting from April in Government Treasury through Challan in Form ST 10. 3.2 For for composition period of the year 1999-2000, the advance lump sum payment of the monthly instalments of the composition amount already falling due, shall be deposited within thirty days of the publication of this notification in the official gazette and the tax, if any, collected/charged prior to the issuance of the composition certificate shall be adjusted against the composition amount payable up to the month of filing of application under this notification, and in case such amount is in excess of the monthly instalments due up to the filing of such application, the same shall be deposited forthwith and tax already deposited shall not be refunded. 4.0 Composition Certificate. - 4.1 The dealers opting for the scheme shall submit an application on a plain paper to his Assessing Authority mentioning therein basic facts such as the name, registration number and the gross turnover of the immediately preceding year etc., within sixty days of the publication of this notification or within thirty days of the date of issuance of registration certificate. For subsequent years, such application be submitted within thirty days of the commencement of the financial year. The application shall also accompanied with a declaration of turnover as per books duly supported by an affidavit to this effect. 4.2 On receipt of the application the assessing authority shall determine the composition amount payable in respect of such dealer after making such necessary, enquiries as may be deemed proper and, if needed, after giving an opportunity of being heard to the dealer. The assessing authority shall, thereafter, issue the composition certification in the form appended to this notification. 4.3 The composition certificate shall be valid for the period of five years commencing from the first day of April of the first year of the composition period. 4.4 The composition certificate shall be renewable each time for a further period of five years on the dealer making an application to the assessing authority on plain paper before 30 days of the expiry of the composition period. The composition certificate shall be enclosed with application along with the details of turnover for the composition period. On receipt of the application the assessing authority shall, after making necessary inquiries, determine the composition amount in accordance with clause 2, and renew the composition certificate accordingly. 4.5 Where during the composition period, the dealer violates any

of the conditions of the scheme or aids or the abets evasion of tax, the assessing authority, after affording reasonable opportunity of being heard, may cancel the composition certificate. On such cancellation of composition certificate the dealer shall be required to deposit the remaining monthly instalments of composition amount forthwith. This will be without prejudice to the action panel or otherwise, for which dealer shall be liable under the provisions of the Rajasthan Sales Tax Act, 1994 and rules made thereunder.

5.0 Assessment. - The composition certificate showing the amount payable under the scheme shall be deemed to be the assessment order-cum-demand notice for a registered dealer regarding his turnover of Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle commercially known as hawai chappals, of materials other than leather and no separate assessment order shall be required to be passed in this behalf.

6.0 Conditions. -

6.1 This scheme shall be applicable to the registered dealers only.

6.2 The dealer opting for composition of tax under this scheme shall be subject to all the provisions of the Rajasthan Sales Tax Act, 1994 and rules made thereunder, and the terms and conditions contained in this Notification.

6.3 The dealer shall not be entitled to claim any deduction, set-off, partial exemption or refund in respect of purchases made by him.

6.4 The dealer shall not charge or collect any tax from a purchaser on the sale of goods during the composition period.

6.5 If any dealer voluntarily withdraws from the scheme during the year, he shall be required to deposit the whole of the composition amount, if not already paid for the year, forthwith.

6.6 The composition amount shall be recoverable as arrears of the land revenue under the Rajasthan Sales Tax Act, 1994.

6.7 The State Government may review the scheme and if substantial number of registered dealers of the State do not opt for it or on being satisfied that it will not be in the public interest to continue the scheme, the State Government shall have power to revoke the scheme forthwith or from such date as it may notify.

Composition Certificate (Under the Composition Scheme for registered dealers carrying on business of [Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle) commercially known as hawai chappals, of materials other than leather]) [Substituted by Notification dated 16-4-2002.]

Book No. Circle :

S. No. Ward :

Under the "Composition Scheme for registered dealers carrying on business of [Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle) commercially known as hawai chappals, of materials other than leather] [Substituted by Notification dated 16-4-2002.]-1999", I hereby permit M/s..... (address) R.C. No..... under Rajasthan Sales Tax Act, 1994, to pay composition amount in lieu of tax on the purchase and sale of Chappals (sole without upper, to be attached to the foot by thongs passing over the instep but not even round the ankle commercially known as hawai chappals, of materials other than leather, in accordance with the provisions of the said scheme as follows:-

The Composition amount computed as per the scheme for the years :	Annual Composition amount	Monthly Installment
1999-2000	Rs.	Rs.
2000-2001	Rs.	Rs.
2001-2002	Rs.	Rs.
2002-2003	Rs.	Rs.
2003-2004	Rs.	Rs.

The monthly instalments are to be paid by 7th day of every month starting from April/.....This certificate remains valid for the period from..... day of.....19..... to the..... day of 20.....

Place : Signature

Dated : Designation

In case of renewal :

Composition for the years	19	20
The Composition amount computed as per the scheme for the years :	Annual Composition amount	Monthly Installment
1999-2000	Rs.	Rs.
2000-2001	Rs.	Rs.
2001-2002	Rs.	Rs.
2002-2003	Rs.	Rs.
2003-2004	Rs.	Rs.

The monthly Instalments are to be paid by 7th day of every month starting from April.....This certificate remains valid for the period from day of..... 19..... to the day of 20.....

Place : Signature

Dated : Designation

[Inserted by Dated 27-1-2004, published in Rajasthan Gazette Extraordinary, part 4(ga), dated 29-1-2004 page 329.]