

Rajasthan Finance Act, 2011

RAJASTHAN

India

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Act 15 of 2011

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Rajasthan Finance Act, 2011(Act No. 15 of 2011)Last Updated 27th May, 2019Statement of Objects and Reasons. - Clause (26) of Section 2 of the Rajasthan Value Added Tax Act, 2003 defines 'place of business of a dealer'. The clause is proposed to be amended so as to include in it any warehouse, railway station, railway goods yard, parcel office, or any other place where goods for transportation in the course of business or otherwise are kept by dealers.Clause (44) of Section 2 of the Rajasthan Value Added Tax Act, 2003 defines 'works contract'. The definition is proposed to be substituted so as to bring it in line with the definition of works contract given in Central Sales Tax Act, 1956.sub-section (2) of Section 3 of the Rajasthan Value Added Tax Act, 2003 provides that a dealer whose annual turnover does not exceed rupees fifty lacs in a year may opt for payment of tax on his turnover. With a view to extend the facility to the dealer whose annual turnover is upto sixty lacs, the section is proposed to be amended so as to replace the aforesaid amount of fifty lacs by the amount of sixty lacs.sub-section (7) of Section 4 of the Rajasthan Value Added Tax Act, 2003 gives option to certain class of dealers to pay tax on the maximum retail price of the goods. It has been observed that some dealers who opt for payment of tax under this sub-section provide discount by way of supply of additional quantity of goods, which results in avoidance of tax liability. In order to determine tax liability of such additional quantity of goods, it is proposed to add a proviso to the effect that a dealer who opts for payment of tax under this sub-section shall not allow any trade discount or incentive in terms of quantity of goods in relation to any sale of goods covered under this sub-section, effected by him, for the purpose of calculating his tax liability.Section 15 of the Rajasthan Value Added Tax Act, 2003 requires a dealer to furnish security for registration. Under section 38 a person or a dealer who seeks to appeal against the order of the assessing authority is required to furnish security as a condition of stay of the recovery of the disputed amount. Rajasthan Tax Board may also require security under Section 83 for payment of disputed mount as a condition of grant of stay. It is considered appropriate that the Departments of the Central Government and the State Government and a public sector undertakings, corporations, companies owned or controlled by the Central Government or the State Government should be exempted from furnishing such securities as by the very nature, status and ownership of these entities payment of amounts due from these entities is ensured. Accordingly, the aforesaid sections are proposed to be amended so as to exempt aforesaid entities from furnishing security.At present input tax credit is allowed on all the

capital goods used in the State. Now it is proposed that input tax credit shall be allowed only on the capital goods used in manufacture of goods other than exempted goods. Accordingly, clause (g) of sub-section (1) of Section 18 of the Rajasthan Value Added Tax Act, 2003 is proposed to be amended. Liability to pay tax on sale of goods taxable at first point does not exist at subsequent stages of sale. Therefore, input tax credit on sale of such goods at subsequent stages is not allowed. Accordingly a new clause (iia) is proposed to be inserted in sub-section (3) of Section 18 of the Rajasthan Value Added Tax Act, 2003. In certain trades goods are being sold and tax on such sales is being recovered from purchaser, but at later stage seller provides incentive to the purchasing dealer in the form of credit notes or subsidy etc. Such purchasing dealers after selling goods at subsidized rates claim refund of tax paid at earlier stage. In order to check this tendency a new sub-section (3A) is proposed to be inserted in Section 18 of the Rajasthan Value Added Tax Act, 2003. The State Government is committed to facilitate the trade and industry by providing transparent and efficient tax administration. Because of penal provision for late filing of return, notices are issued to the dealers for imposition of penalty. In order to avoid the issuance of such notices, provision for late fee on furnishing of return after the prescribed time period is proposed to be made. Accordingly, amendment has been proposed in sub-section (1) of Section 21 of the Rajasthan Value Added Tax Act, 2003 and Section 58 of the aforesaid Act is proposed to be deleted. Section 25 of the Rajasthan Value Added Tax Act, 2003 provides for assessment in case of avoidance and evasion of tax. Assessment under the provision of this section cannot be made after the expiry of a period of six months from the date of making out the case. The term 'the date of making out the case' generally gives rise to disputes. In order to avoid such disputes aforesaid term is proposed to be defined by inserting an explanation in aforesaid Section 25. In order to promote e-filing of returns by the dealers, a proviso was added in sub-section (1) of Section 53 of the Rajasthan Value Added Tax Act, 2003 to provide provisional refund. Now mandatory provisions for submission of return electronically are being proposed to be made for efficient and effective verification of input tax credit and timely grant of refund. In this backdrop, the existing provision is not required. Hence, the aforesaid proviso is proposed to be deleted. sub-section (4) of Section 53 of the Rajasthan Value Added Tax Act, 2003 provides for interest payable on refund to a dealer. Where an amount is found refundable interest on such amount is payable to the dealer. The charge-ability of interest accrues only when the amount is found refundable. Therefore, it is proposed to allow interest on refund after thirty days from the date it becomes due. Accordingly, aforesaid sub-section (4) is proposed to be amended. Section 80 of the Rajasthan Value Added Tax Act, 2003 requires clearing or forwarding agents to obtain a certificate from the Assistant Commissioner or the Commercial Taxes Officer in whose territorial jurisdiction they conduct business. For the purpose of simplification and in order to facilitate such agents, it is proposed to provide that it would be sufficient for such agents to furnish information about his place of business to the aforesaid officers. Accordingly, marginal heading and sub-section (1) of aforesaid Section 80 is proposed to be amended. To provide efficient and transparent tax administration. Directorate of Revenue Intelligence was announced in Budget Speech of 2009-10. At present there is no provision enabling the State Government to delegate powers to the officers under the Rajasthan Value Added Tax Act, 2003, therefore, the officers of the aforesaid Directorate could not be empowered to exercise the powers under the aforesaid Act. In order to provide for such enabling power a new Section 97-B is proposed to be inserted in the aforesaid Act. The Rajasthan Entertainments And Advertisements Tax Act, 1957 Entertainment tax on cable service was levied with effect from 26.3.1999 and Entertainment tax on direct to home

broadcasting service was levied with effect from 25.2.2008. Some assessment orders made in respect of cable service and direct to home broadcasting service were questioned before Rajasthan Tax Board and other authorities. In one such matter the Rajasthan Tax Board, while indicating want of certain provisions in the Rajasthan Entertainments and Advertisements Tax Act, 1957, struck down the assessment order. In order to make provisions as indicated by the Rajasthan Tax Board and to validate the said assessment order, Secs. 3, 5, 5-B and 9-A are proposed to be amended with retrospective effect and a validating provision is also proposed to be made. The Rajasthan Electricity (Duty) Act, 1962 Proviso (3) of Section 3 of the Rajasthan Electricity (Duty) Act, 1962 empowers the State Government to reduce or remit, in the public interest, electricity duty on the energy consumed by certain classes of consumers. It is also proposed that the State Government should be empowered to prescribe certain other classes of consumers to whom benefit of reduction and remission of electricity may be extended in appropriate cases. Under this proviso, State Government is empowered to reduce or remit electricity duty with retrospective effect only on the energy consumed by or in respect of Municipal Board, Municipal Council, Panchayat, Panchayat Samiti and other local authorities for the purpose of public street lighting. It is proposed that the State Government should be empowered to reduce or remit electricity duty both with retrospective effect or prospective effect on the energy consumed by all classes of consumers specified by and under the said proviso including all Municipalities and Panchayati Raj Institutions. Accordingly, aforesaid proviso is proposed to be amended suitably. For the purpose of providing basic amenities like street lighting, sanitation, maintenance of roads and energy conservation in municipal areas, an urban cess at the rate of ten paise per unit was levied on energy consumed in municipal areas. The revenue generated by urban cess has helped the municipal bodies in providing aforesaid basic amenities to the people in urban area. However, it is felt that the revenue generated on this account is not sufficient for the aforesaid purposes therefore, it is proposed that the aforesaid rate of ten paise per unit be enhanced to be fifteen paise per unit. The Rajasthan Stamp Act, 1998 Clauses (viii-A) and (xxxvi) of Section 2 of the Rajasthan Stamp Act, 1998, is proposed to be amended so as to update reference to the Rajasthan Value Added Tax Act, 2003 instead of the Rajasthan Sales Tax Act, 1994 and to correct numbering of the clause respectively. Transfer of property effected by the orders under Section 394 of the Companies Act, 1956, are chargeable to stamp duty. While submitting schemes of amalgamation and reconstruction of companies different terminology like merger, de-merger, etc. are used and on the basis of the said terminology companies try to evade stamp duty. To remove this anomaly, provisions of Section 2 and Art. 21 of the Schedule to the Act are proposed to be amended so as to clarify that any transfer of property effected by the orders under aforesaid Section 394 shall be chargeable to stamp duty under provisions of this Act notwithstanding the terminology used in the schemes. For infrastructural developments in the State and also for financing Municipalities and Panchayati Raj Institutions a surcharge on stamp duty is proposed to be levied by adding new Section 3-A. The proposed surcharge shall not exceed 10% of the stamp duty chargeable under Section 3 read with the Schedule to the Act. The Rajasthan Excise Act, 1950 In order to bring unity of command in the Excise Department and to standardize the designations of excise officers it is proposed to amend sub-section (1A) of Section 9. The penalty in the existing provision of Section 57 of the Rajasthan Excise Act, 1950, for possessing any excisable article, after unlawfully importing it from other States, is imprisonment for a term which may extend to 3 months or with fine which may extend to one thousand rupees or with both. This penalty does not match the severity of the offence of smuggling of excisable articles from other States and it is

therefore proposed that the punishment for this offence should be imprisonment for a term which shall not be less than six months but which may extend to 3 years and with fine of twenty thousand rupees or five times of the loss of excise duty, whichever is higher and if the quantity of liquor exceeds 50 bulk litres then the punishment should be minimum sentence of imprisonment for three years extendable up to five years and with fine of twenty thousand rupees or ten times of the loss of excise duty whichever is higher. The proposed amendment will deter this offence. The Rajasthan Motor Vehicles Taxation Act, 1951 A cess was imposed in 2006 on old vehicles with a view to augment resources for development and maintenance of infrastructure and purchase of equipments for checking air pollution as well as to discourage pollution prone old vehicles. Keeping in view the commitment towards welfare of citizens and fulfillment of the social obligation to curb worldwide problem of pollution and looking at the traffic congestion and resultant pollution caused by rapidly increasing number of vehicles, which includes new vehicles also, it is proposed that the purview of this green tax for above purpose be extended to all vehicles at the time of registration or assignment of non-transport vehicles and at the time of registration or assignment and thereafter at the time of fitness of transport vehicles as well. Accordingly Section 4-D is proposed to be amended. For the purpose of augmenting resources for development and ^ maintenance of infrastructure, enhancing public transport facilities and controlling traffic congestion and accidents, it is considered appropriate to impose a surcharge on tax payable on motor vehicles. Accordingly a new Section 4-E is proposed to be inserted. The Rajasthan Local Fund Audit Act, 1954 Thirteenth Finance Commission has, for the period from 2011-12 to 2014-15, recommended a total grant of Rs. 5163.90 crore for the Local Bodies (PRIs and ULBs) of Rajasthan State out of which Rs. 1789.50 crores is in the form of Performance Grant. The Commission has laid down certain conditions which should be complied with to be eligible to draw down the State's share of Performance Grant. One of the conditions was to place The Annual Report of the Director of Local Fund Audit before the State Legislature. At present, there is no provision of preparing and laying down the Annual Report of Director, Local Fund Audit before the State Legislature in the Rajasthan Local Fund Audit Act, 1954. In order to make such provisions a new Section 18 is proposed to be added in the aforesaid Act. The Bill seeks to achieve the aforesaid objectives.][Received the assent of the Governor on the 11th day of April, 2011] An Act further to amend the Rajasthan Value Added Tax Act, 2003, the Rajasthan Entertainments and Advertisements Tax Act, 1957, the Rajasthan Electricity (Duty) Act, 1962, the Rajasthan Stamp Act, 1998, the Rajasthan Excise Act, 1950, the Rajasthan Motor Vehicles Taxation Act, 1951 and the Rajasthan Local Fund Audit Act, 1954, in order to give effect to the financial proposed of the State Government for financial year 2011-12 and to make certain other provisions. Be it enacted by the Rajasthan State Legislature in the Sixty-second Year of the Republic of India, as follows: -

Chapter I

Preliminary

1. Short title.

- This Act may be called the Rajasthan Finance Act, 2011.

2. Declaration under Section 3, Rajasthan Act No. 23 of 1958.

- In pursuance of Section 3 of the Rajasthan Provisional Collection of Taxes Act, 1958 (Act No. 23 of 1958) it is hereby declared that it is expedient in the public interest that provisions of clauses 7, 22, 24, 28 and 29 of this Bill shall have immediate effect under the said Act.

Chapter II

Amendment In The Rajasthan Value Added Tax Act, 2003

3. Amendment of Section 2, Rajasthan Act No. 4 of 2003.

- In Section 2 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003), hereinafter in this Chapter referred to as the principal Act,-(i)after the existing sub-clause (d) and before the existing explanation of clause (26), the following new sub-clause shall be inserted, namely:-(e) any warehouse, railway station, railway goods yard, parcel office, or any other place where goods for transportation in the course of business or otherwise are kept by dealers;"; and(ii)for the existing clause (44), the following clause shall be substituted, namely:-(44) "works contract" means a contract for carrying out any work which includes assembling, construction, building, altering, manufacturing, processing, fabricating, erection, installation, fitting out, improvement, repair or commissioning of any movable or immovable property;".

4. Amendment of Section 3, Rajasthan Act No. 4 of 2003.

- In sub-section (2) of Section 3 of the principal Act, for the existing expression "rupees fifty lacs", the expression "rupees sixty lacs" shall be substituted.

5. Amendment of Section 4, Rajasthan Act No. 4 of 2003.

- In sub-section (7) of Section 4 of the principal Act, for the existing punctuation mark appearing at the end of the existing proviso, the punctuation mark shall be substituted and after the existing proviso, so amended, the following new proviso shall be added, namely: -"Provided further that a dealer who opts payment of tax under this sub-section shall not allow any trade discount or incentive in terms of quantity of goods in relation to any sale of goods covered under this sub-section, effected by him, for the purpose of calculating his tax liability."

6. Amendment of Section 15, Rajasthan Act No. 4 of 2003.

- In sub-section (1) of Section 15 of the principal Act, for the existing punctuation mark appearing at the end, the punctuation mark shall be substituted and there after the following new proviso shall be added, namely:-"Provided that no security under this section shall be required to be furnished by a department of the Central Government or the State Government or a public sector undertaking, corporation or company owned or controlled by the Central Government or the State Government."

7. Amendment of Section 18, Rajasthan Act No. 4 of 2003.

- In Section 18 of the principal Act, -(i) for the existing clause (g) of sub-section (1), the following shall be substituted, namely: - "(g) being used in the State as capital goods in manufacture of goods other than exempted goods,"; (ii) after the existing clause (ii) and before the existing clause (iii) of sub-section (3), the following shall be inserted, namely: - "(iia) of goods taxable at first point in the series of sales, from a registered dealer who pays tax at the first point; Explanation. - For the purpose of this clause, "first point in the series of sales" means the first sale made by a registered dealer in the State; or"; and (iii) after the existing sub-section (3) and before the existing sub-section (4), the following new sub-section shall be inserted, namely: - "(3A) Notwithstanding anything contained in this Act, where any goods purchased in the State are subsequently sold at subsidized price, the input tax allowable under this section in respect of such goods shall not exceed the output tax payable on such goods."

8. Amendment of Section 21, Rajasthan Act No. 4 of 2003.

- For the existing sub-section (1) of Section 21 of the principal Act, the following shall be substituted, namely: - "(1) Every registered dealer shall assess his liability under this Act, and shall furnish return, for such period, in such form and manner, and within such time and with such late fee not exceeding fifty thousand rupees, for delayed furnishing of returns, as may be prescribed, to the assessing authority or to the officer authorized by the Commissioner."

9. Amendment of Section 25, Rajasthan Act No. 4 of 2003.

- After the existing sub-section (4) of Section 25 of the principal Act, the following explanation shall be inserted, namely: - "Explanation. - For the purpose of this section the expression "date of making out the case" means the date on which notice in pursuance of this section is issued for the first time to the dealer."

10. Amendment of Section 38, Rajasthan Act No. 4 of 2003.

- In sub-section (4) of Section 38 of the principal Act, for the existing punctuation mark appearing at the end of the existing proviso, the punctuation mark shall be substituted and after the existing proviso, so amended, the following new proviso shall be added, namely: - "Provided further that no security under this section shall be required to be furnished by a department of the Central Government or the State Government or a public sector undertaking, corporation or company owned or controlled by the Central Government or the State Government."

11. Amendment of Section 53, Rajasthan Act No. 4 of 2003.

- In Section 53 of the principal Act, -(i) in sub-section (1), the existing proviso shall be deleted; and (ii) for the existing sub-section (4), the following shall be substituted, namely: - "(4) An amount refundable under this Act shall be refunded within thirty days from the date on which it becomes

due and if such amount is not refunded within the aforesaid period of thirty days, it shall carry interest with effect from the date of expiry of the aforesaid period up to the date of payment, at such rate as may be notified by the State Government."

12. Deletion of Section 58, Rajasthan Act No. 4 of 2003.

- The existing Section 58 of the principal Act shall be deleted.

13. Amendment of Section 80, Rajasthan Act No. 4 of 2003.

- In Section 80 of the principal Act, - (i) the existing expression "obtain certificate and", appearing in the marginal heading, shall be deleted; and (ii) for the existing sub-section (1), the following shall be substituted, namely: - "(1) A clearing or forwarding agent who in the course of his business renders his service for booking or taking delivery of any consignment of goods liable to tax or handles any document of title relating to goods liable to tax, shall furnish information about his place of business to the Assistant Commissioner or the Commercial Taxes Officer, as the case may be, in whose territorial jurisdiction he conducts his business, within such time, in such form and in such manner as may be prescribed."

14. Amendment of Section 83, Rajasthan Act No. 4 of 2003.

- In sub-section (7) of Section 83 of the principal Act, for the existing punctuation mark appearing at the end, the punctuation mark ":" shall be substituted and thereafter the following new proviso shall be added, namely: - "Provided that no security under this section shall be required to be furnished by a department of the Central Government or the State Government or a public sector undertaking, corporation or company owned or controlled by the Central Government or the State Government."

15. Insertion of new Section 97-B, Rajasthan Act No. 4 of 2003.

- After the existing Section 97-A and before the existing Section 98 of the principal Act, the following new section shall be inserted, namely: - "97-B. Delegation of powers. - The State Government may, by notification in the Official Gazette, direct that subject to such conditions, if any, as may be specified in the notification, any power exercisable by an assessing authority under this Act may be exercised by such officer of the State Government, as may be specified in the notification."

Chapter III

Amendment in the Rajasthan Entertainments and Advertisements Tax Act, 1957

16. Amendment of Section 3, Rajasthan Act No. 24 of 1957.

- In Section 3 of the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Act No. 24 of 1957), hereinafter in this Chapter referred to as the principal Act, - (i) for the existing clause (5), the following shall be substituted and shall be deemed to have been substituted with effect from 25.2.2008, namely: - "(5) 'entertainment' includes, - (i) any exhibition (show), performance, amusement, game or sport to which persons are admitted for payment; (ii) providing cable service to a subscriber; (iii) providing direct to home broadcasting service;"; and (ii) in clause (6), after the existing expression "section 4" and before the existing expression "and includes", the expression "4AA and 4AAA" shall be inserted: and the expression "4AA" shall be deemed to have been inserted with effect from 26.3.1999 and the expression "4AAA" shall be deemed to have been inserted with effect from 25.2.2008.

17. Amendment of Section 5, Rajasthan Act No. 24 of 1957.

- For the existing Section 5 of the principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 26.3.1999, namely: - "5. Manner of payment of tax.
- (1) Subject to other provisions of this Act, the entertainment tax shall be levied, calculated, and paid in such manner and within such time as may be prescribed. (2) The entertainment tax shall be due and recoverable from the proprietor. (3) The proprietor shall submit such returns, to such authority, in such manner and within such period as may be prescribed."

18. Amendment of Section 5-B, Rajasthan Act No. 24 of 1957.

- In sub-section (2) of Section 5-B of the principal Act, after the existing expression "Sections 4, 4-A" and before the existing expression "and 6-A", the expression "4AA, 4AAA" shall be inserted; and the expression "4AA" shall be deemed to have been inserted with effect from 26.3.1999 and the expression "4AAA" shall be deemed to have been inserted with effect from 25.2.2008.

19. Amendment of Section 9-A, Rajasthan Act No. 24 of 1957.

- In clause (a) of Section 9-A of the principal Act, after the existing expression "section 4, 4-A" and before the existing expression "or 6-A", the expression "4AA, 4AAA" shall be inserted; and the expression "4AA" shall be deemed to have been inserted with effect from 26.3.1999 and the expression "4AAA" shall be deemed to have been inserted with effect from 25.2.2008.

20. Validation of certain things, actions, orders etc.

- Notwithstanding any judgment, decree or order of any Court, Board or other Authority, all things done, actions taken, or orders made before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of the principal Act as amended by this Act, be deemed to have been done, or taken, or made under the provisions of the principal Act as if the provisions of principal Act as amended by this Act were in force at the time such things were done, actions taken

or orders made.

Chapter IV

Amendment in the Rajasthan Electricity (Duty) Act, 1962

21. Amendment of Section 3, Rajasthan Act No. 12 of 1962.

- For the existing proviso (3) of Section 3 of the Rajasthan Electricity (Duty) Act, 1962 (Act No. 12 of 1962), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:- "(3) Where the State Government is of opinion that it is necessary or expedient in the public interest to do so, it may by notification in the Official Gazette and on such terms, conditions and restrictions as may be laid down in the notification, reduce or remit, whether prospectively or retrospectively, -(a) the electricity duty on the energy consumed -(i) by a consumer in any industry in the manufacture, production, processing or repair of goods; (ii) by a person generating energy for his own use or consumption; (iii) by or in respect of any mine as defined in the Mines Act, 1952 (Central Act No. 35 of 1952); (b) the electricity duty on the energy consumed by or in respect of any Municipality or Panchayati Raj Institutions or other local authority, for the purpose or in respect of public street lighting; (c) the electricity duty on the energy consumed by such other class of consumers as may be prescribed by the State Government, subject, however, in the case of clause (a), to the condition that any reduction or remission so made shall not be applicable to energy consumed in respect of any premises used for commercial or residential purposes."

22. Amendment of Section 3-C, Rajasthan Act No. 12 of 1962.

- In sub-section (1) of Section 3-C of the principal Act, for the existing expression "ten paise", the expression "fifteen paise" shall be substituted.

Chapter V

Amendment in the Rajasthan Stamp Act, 1998

23. Amendment of Section 2, Rajasthan Act No. 14 of 1999.

- In Section 2 of the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), hereinafter in this Chapter referred to as the principal Act, -(i) for the existing clause (viii-A), the following shall be substituted, namely:- "(viii-A) 'Chief Controlling Revenue Authority' means Rajasthan Tax Board constituted under Section 88 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003);"; (ii) for the existing sub-clause (iv) of clause (xi), the following shall be substituted, namely:- "(iv) every order made under Section 394 of the Companies Act, 1956 (Central Act No. 1 of 1956);"; and (iii) for the existing expression "(xxxvi) 'stock exchange' means", appearing at the end, the expression "(xxxvii) 'stock exchange' means" shall be substituted and shall be deemed always to have been substituted.

24. Insertion of Section 3-A, Rajasthan Act No. 14 of 1999.

- After the existing Section 3 and before the existing Section 4 of the principal Act, the following new section shall be inserted, namely:- "3-A. Certain instruments chargeable with surcharge. - (1) All instruments of conveyance, exchange, gift, settlement, partition, agreement to sale, composition, mortgage, release, power of attorney and lease of immovable property, and agreement or memorandum of an agreement relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, or development of, any immovable property, chargeable with duty under Section 3 read with Schedule to the Act, shall be chargeable with surcharge at such rate not exceeding 10 percent of the duty chargeable on such instruments under Section 3 read with Schedule to the Act, as may be notified by the State Government, for the purpose of the development of basic infrastructure facilities such as rail or road transportation system, communication system, power distribution system, sewerage system, drainage system or any other such public utilities serving any area of the State and for financing Municipalities and Panchayati Raj Institutions. (2) The surcharge chargeable under sub-section (1) shall be in addition to any duty chargeable under Section 3. (3) Except as otherwise provided in sub-section (1), provisions of this Act shall so far as may be apply in relation to the surcharge, chargeable under sub-section (1) as they apply in relation to the duty chargeable under Section 3."

25. Amendment of the Schedule, Rajasthan Act No. 14 of 1999.

- In clause (iii) of the Art. 21 of the Schedule of the principal Act, for the existing expression "amalgamation of the companies by the order of the High Court", the expression "the order" shall be substituted.

Chapter VI

Amendment in the Rajasthan Excise Act, 1950

26. Amendment of Section 9, Rajasthan Act No. 2 of 1950.

- For the existing sub-section (1A) of Section 9 of the Rajasthan Excise Act, 1950 (Act No. 2 of 1950), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:- "(1A) The State Government may also appoint such and so many other persons as it thinks fit and necessary to be:-(i) Joint Excise Commissioner; (ii) Deputy Excise Commissioner; (iii) District Excise Officer; (iv) Assistant Excise Officer; (v) Other Excise Officers."

27. Amendment of Section 57, Rajasthan Act No. 2 of 1950.

- For the existing Section 57 of the principal Act, the following shall be substituted, namely:- "57. Penalty for possession of excisable article unlawfully imported. - Whoever, without lawful authority, has in his possession any excisable article, knowing the same to have been unlawfully imported, transported, manufactured, cultivated or collected or knowing the fact that prescribed duty not to

have been paid thereon, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine of twenty thousand rupees or five times of the loss of excise duty, whichever is higher: Provided that if the quantity of liquor found at the time or in the course of detection of the offence exceeds fifty bulk litres, the person guilty for such offence shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine of twenty thousand rupees or ten times of the loss of excise duty, whichever is higher."

Chapter VII

Amendment in the Rajasthan Motor Vehicles Taxation Act, 1951

28. Amendment of Section 4-D, Rajasthan Act No. 11 of 1951.

- For the existing Section 4-D of the Rajasthan Motor Vehicles Taxation Act, 1951 (Act No. 11 of 1951), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely: - "4-D. Levy of Green Tax. - (1) There shall be levied and collected a cess called "green tax", in addition to the tax levied under Secs. 4, 4-B and 4-C of the Act, on such vehicles suitable for use on road as specified in column (2), at such time as specified in column (3), of the table below at such rates, not exceeding the maximum rates specified in column (4) of the table, as may be fixed by the State Government by notification in the Official Gazette, for the purpose of implementation of various measures to control air pollution. Table

S.No.	Class of the Vehicle	Time	Maximum rate of cess (in Rupees)
1	2	3	4
1	Non-transport vehicle(a) two wheelers(b) other than two wheelers	at the time of registration under Section 41, or assignment under Section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of certificate of registration under sub-section (10) of Section 41 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988).	750.001500.00
2	Transport vehicle	at the time of registration under Section 41, or assignment under Section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of fitness certificate under Section 56 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988).	600

(2) The provisions of this Act and the rules made thereunder excluding those relating to refund of tax shall, so far as may be, apply in relation to the imposition, payment, computation and recovery of the cess payable under sub-section (1), as they apply to the imposition, payment, computation and

recovery of tax payable under this Act."

29. Insertion of Section 4-E, Rajasthan Act No. 11 of 1951.

- After Section 4-D, amended as aforesaid, and before Section 5 of the principal Act, following new section shall be inserted, namely:-"4-E. Levy of Surcharge. - (1) Notwithstanding anything contained in Secs. 4, 4-B and 4-C of the Act, the tax imposed by the said sections shall with effect from the commencement of the Rajasthan Finance Act, 2011 (Act No. 15 of 2011) be increased by a surcharge at such rates, not exceeding 20% of the said tax, as may be specified by the State Government by the notification in the Official Gazette.(2)The provisions of this Act and the rules made thereunder, so far as may be, apply in relation to the imposition, payment, computation, recovery, exemption and refund of the surcharge payable under sub-section (1), as they apply to the imposition, payment, computation, recovery, exemption and refund of tax payable under this Act."

Chapter VIII

Amendments in the Rajasthan Local Fund Audit Act, 1954

30. Addition of Section 18, Rajasthan Act No. 28 of 1954.

- After the existing Section 17 of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954), the following new section shall be added, namely:-"18. Laying of audit report. - The Director shall send to the Government annually a consolidated report of the accounts audited by him containing such matters which he intends to bring to their notice and the Government shall, after the receipt of the same, cause it to be laid before the State Legislature.",