The Punjab Entertainments Tax (Cinematograph Shows) Rules, 1954

HARYANA India

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Rule

THE-PUNJAB-ENTERTAINMENTS-TAX-CINEMATOGRAPH-SHOWS-RU of 1954

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The Punjab Entertainments Tax (Cinematograph Shows) Rules, 1954Published vide Punjab Government Notification No. 2493-E & T-54/740 (Ch) dated 9.8.1954Revenue Department (Excise and Taxation)No. 2493-E & T-54/740 (Ch) - In exercise of the powers conferred by section 19 of the Punjab Entertainment Tax (Cinematograph Shows) Act, 1954, the Governor of Punjab is pleased to make the following rules for the purposes of carrying into effect the provisions of the said Act:-

Chapter I Short Title and Definitions

1. Short title.

- These rules may be called the Punjab Entertainments Tax (Cinematograph Shows) Rules, 1954.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context.(b)'Agent' means a person authorised in writing by a proprietor to appear on his behalf before any officer empowered under the Act or carry out the purposes of the Act, being-(i)a relative of the proprietor; or(ii)a person in the regular and whole-time employ of the proprietor; or(iii)a person who has been enrolled as a Chartered Accountant in the Register of Accountants maintained by the Union Government under the Auditor's Certificate Rules, 1932, or has passed any Accountancy

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examination recognised in this behalf by the State Government; or(iv)a person who possesses a degree in commerce, law, economics or banking including higher auditing conferred by any Indian University incorporated by law for the time being in force or any foreign University duly approved in this behalf by the State Government.(c)'Assessing Authority' in respect of any proprietor means the Excise and Taxation Officer or the Assistant Excise and Taxation Officer working in the district in which the proprietor's place of business is situated;(d)'Assistant Excise and Taxation Officer' means the person appointed by that designation by the State Government to assist the Commissioner.(e)'Deputy Excise and Taxation Commissioner' means the person appointed by that designation by the State Government to assist the Commissioner, in relation to the districts under his charge.(f)'Excise and Taxation Officer' means the person appointed by that designation by the State Government to assist the Commissioner.(g)'form' means the form appended to these rules.(h)'Treasury' means the Government Treasury, or Sub-Treasury of a district or tehsil, as the case may be, or a branch of the [Imperial Bank of India] [Should read State Bank of India.].(i)'Section means a section of the Act.(j)'Year' means the financial year.

Chapter II

Superintendence and Control of the Administration under the Act

3.

"Prescribed authority" shall be -(a)the 'Assessing Authority' for the purposes of sections 7, 8 and 10 of the Act; and(b)the 'Deputy Excise and Taxation Commissioner' for the purpose of section 9 of the Act.

3A. [The accounts or documents required by the State Government under section 11 of the Act shall be produced before, and the powers under section 12 shall be exercisable by the following officers within their respective jurisdiction:

(a)Commissioner, Joint Excise and Taxation Commissioner, Assistant Excise and Taxation Commissioner, Chief Enforcement Officer (Headquarters), and Personal Assistant to Excise and Taxation Commissioner; (b)All the Deputy Excise and Taxation Commissioners, Divisional Enforcement Officers and the Excise and Taxation Officers (P and G) attached to their offices; (c)All the District Excise and Taxation Officers, Excise and Taxation Officers and the Assistant Excise and Taxation Officers in the State; and(d)All the Taxation Inspectors and the Sub-Inspectors of the Excise and Taxation Department, specially authorised for the purpose by the Deputy Excise and Taxation Commissioner, concerned with reference to the districts to which appointed.]

4.

(1)The Excise and Taxation Commissioner shall superintend the administration and the collection of tax leviable under the Act.(2)Subject to the general control and superintendence of the [Excise and Taxation Commissioner, the Deputy Excise and Taxation Commissioner] [See Legislative Supplement Part III, dated 2.12.1960.], shall control all other officers, appointed to assist the Commissioner under the Act, within his jurisdiction.(3)The Excise and Taxation Officer or the Assistant Excise and Taxation Officer Incharge of the District is charged with the duty of carrying out the provisions of the Act and these rules subject to the overall control and direction of the Deputy Excise and Taxation Commissioner and the Excise and Taxation Commissioner, and the orders of Commissioner issued from to time.

Chapter III Securities and Payment of Tax

5. Securities.

- Every Excise and Taxation Officer or Assistant Excise and Taxation Officer Incharge of a district shall maintain a register in form PET-1 showing the securities deposited by the proprietors of permanent cinemas.

6.

If the proprietor of a permanent cinema premises sells or otherwise disposes of his business or any part of such business or effects any other change in the ownership, name, style, location, nature or extent of such business, or discontinues such business, he may soon after such sale, disposal, discontinuance or change, submit a report to that effect to the Assessing Authority, who shall make a report to the Commissioner for the refund of security, if any, under sub-section (3) of section 5 of the Act, on an application from the proprietor or his legal heirs.

7. Payment of Tax.

(1)Every proprietor shall make payment of tax in the manner provided and shall maintain a register showing the number of shows held and the amount of tax leviable and deposited in respect thereof in form PET-2.(2)Every proprietor shall submit a return in form PET-3 to the Assessing Authority within seven days of the close of the fortnight to which it pertains unless extended by him.(3)All payments shall be made by means of challans in form PET-4. Challan forms shall be obtainable free of charge at the office of the Assessing Authority.(4)Challans shall be filled up in quadruplicate, one copy of the challan shall be retained by the treasury, one copy shall be sent by the Treasury Officer to the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district and the other two copies shall be returned to the proprietor duly signed in proof of payment. One copy thereof shall be attached to the fortnightly return required to be furnished in form PET-3

under sub-rule (2), and the other copy shall be retained by the proprietor.

8.

A proprietor and his partner or partners, shall be jointly and severally responsible for the payment of tax or penalty, or any amount due under the Act or these rules.

Chapter IV Refunds, Remissions and Exemptions

9. Refunds.

(1)An application for the refund of tax paid in excess shall be made to the Excise and Taxation Officer/Assistant Excise and Taxation Officer in charge of the district and this shall clearly and briefly specify the grounds on which the refund is claimed.(2)Every such application shall be entered in a register in form PET-5.

10.

(1)The Excise and Taxation Officer in charge of the district shall satisfy himself that the claim is admissible. He may require the applicant to make an oral deposition on oath, or solemn affirmation, or file an affidavit setting forth the circumstances in which the claim has arisen and may also, if he deeds fit, call for evidence in support of such deposition or affidavit.(2)The Excise and Taxation Officer, or the Assistant Excise and Taxation Officer in charge of the district will then forward the case for refund, with his comments, to the Deputy Excise and Taxation Commissioner of the division concerned, for orders.(3)The Deputy Excise and Taxation Commissioner may call for further evidence in support of the application.(4)The Deputy Excise and Taxation Commissioner will then record his orders in writing, either rejecting or accepting the application, either fully or partially. His orders would be communicated to the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district concerned who would inform the applicant.

11.

Where an order of refund has been passed under sub-rules (3) and (4) of Rule 10 above, the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of district concerned shall make the payment to the claimant through a refund voucher in form PET-6.(2)If the proprietor desires payment by adjustment against any amount subsequently payable by him, the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district concerned shall issue a Refund Adjustment Order in form PET-7 in duplicate authorising the proprietor to deduct the sum to be refunded from the amount payable by him in respect of the next return period, following the sanctioning of the refund. The proprietor shall attach one copy of the Refund Adjustment Order in form PET-7 to the next ensuing return to be furnished by him in support of his

claim.

12. Remissions.

- The procedure laid down in rules 9 to 11 shall apply mutatis mutandis to applications for remissions under sub-section (2) of section 9 of the Act, except that applications for remissions shall be presented to the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district not later than three days of the incomplete show, for which remission is applied for. Such an application will be accompanied by an affidavit to the effect that the ticket-holders have been refunded the price of their tickets in full.

13. Exemptions.

(1)Any proprietor claiming exemption under sub-section (1) of section 6 of the Act, from the payment of tax in respect of a particular show or shows, shall present an application for such exemption to the Deputy Excise and Taxation Commissioner at least ten clear days before the date of exhibition of the first show, who shall unless the power to grant exemption is delegated to him by the Commissioner under section 18 of the Act, forward the same without delay to the Commissioner, with his recommendations, for such orders as the Commissioner may deem fit.(2)All applications for exemption under sub-section (2) of section 6 of the Act, shall be made to the Commissioner, at least twenty days before the date of exhibition of the first show, who shall forward the same with his recommendations to the State Government for their orders.

14.

Where exemption is granted by the Commissioner under section 6(1) of the Act, the Deputy Excise and Taxation Commissioner shall issue to the proprietor a certificate in form PET-8 and the proprietor shall comply with the conditions stated therein.

Chapter V

Registers, Assessment and Notices etc.

15. Registers.

- Every Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district shall maintain a demand and collection register in form PET-9 showing the payment of tax, composition money and other fees by the proprietor in the district of his charge.

16.

Every Treasury Officer shall send to the Excise and Taxation Officer of the district within the first week of each month statement of the amounts credited into the treasury under the Act, and these rules during the proceeding month.

17. Assessment.

(1)When it appears to the appropriate Assessing Authority to be necessary to make an assessment under section 8 of the Act in respect of a proprietor, he shall serve a notice in form PET-10 upon him :-(a)calling upon him to produce his books of accounts or other documents, which such authority wishes to examine together with any objection which the proprietor may wish to [prefer] [See Legislative Supplement Part III, dated 21.1.1960.] and any evidence which he may wish to produce thereof; and(b)stating the period or the return period or periods in respect of assessment which is proposed; and he shall fix a date, ordinarily not less than 10 days after the date of the service of the notice for producing such accounts and documents and considering any objection which the proprietor may prefer.(2)Where an Assessing Authority is satisfied about the accuracy of a return filed in form PET-3, he shall issue a certificate in form PET-14, and record particulars thereof, on the return in form PET-3.

18.

Where the Assessing Authority determines the liability of the proprietor at a figure different from that shown in the return submitted under the provisions of the Act, and these rules, the order shall state briefly the reasons, therefore, but a failure to state reasons shall not affect the validity of the assessment order.

19.

A proprietor who has been served with an assessment order under rule 18 may prefer an objection in writing personally or through an agent. No fee shall be payable in respect of any such objection.

20.

After considering any objection made by the proprietor and any evidence produced in support thereof, the Assessing Authority after giving the proprietor an opportunity of being heard, shall assess the amount of tax, [if any] [See Legislative Supplement Part III, dated 21.11.1960.], to be paid by the proprietor.

21.

Every Assessing Authority shall maintain a register in form PET-11 in which he shall enter the details of each case instituted under rule 17.

22. Notice of demand.

(1)If any sum is payable by a proprietor under the Act or these rules, the Assessing Authority shall serve a notice in form PET-12 and shall also fix a date not less than 30 days from the date of service, by which the proprietor shall furnish the receipted challan in proof of such payment.(2)When the challan is produced, the appropriate Assessing Authority shall make the necessary entry in the personal file of the proprietor.

23.

(1)If on the date fixed under the aforesaid rule, the defaulting proprietor has not paid the sum due, the Assessing Authority shall apply to the Collector for recovery as an arrear of land revenue of the tax unpaid giving the following particulars:-(a)Name and full address of the defaulter;(b)amount recoverable;(c)Period to which the amount relates;(d)Nature of the amount due, and(e)Head of account, to which the amount shall be credited.(2)After taking necessary action the Collector shall report to the appropriate Assessing Authority what amount, if any, has been recovered and the date on which recovery has been made.(3)The Assessing Authority shall place the Collector's report on personal file of the proprietor.

24. Service of notices and summons or orders.

(1)An Assessing Authority shall, for the purpose of any enquiry under the Act or these rules, have all the powers conferred on a Court by the Code of Civil Procedure, 1908, for the purpose of securing the attendance and examination on oath or affirmation, of persons and the production of documents.(2)An Assessing Authority may issue a summons in form PET-13 for the appearance of any person or for the production of a document or documents by him.(3)The powers conferred on an Assessing Authority by sub-rules (1) and (2) may also be exercised by the Revising Authority.

25.

Service of any notice, summons or order under the Act or these rules may be effected in any of the following ways namely:-(a)by sending it to the person concerned under certificate of posting; or(b)by giving or tendering it to the person concerned or his manager or agent, if any; or(c)if the person concerned or his manger or agent, if any, cannot be found, by leaving it at the last known place of business or residence of the person concerned or by giving or tendering it to some adult male member of his family; or(d)If none of the methods, aforesaid is practicable, by affixing it in some conspicuous place at the last known place of business of the person concerned.

Chapter VI Revision and Fees

26. Revision.

(1)A revision against an order passed under the Act or these rules by an authority subordinate to the Commissioner shall lie to the Commissioner. Every application for revision may be presented to the Commissioner by the proprietor or his agent or it may be sent to the said authority by registered post. Every application for revision shall be written on a standard water-marked judicial paper and it shall contain the following particulars:-(a)the date of the order sought to be revised.(b)the name and the designation of the officer who passed the order sought to be revised.(c)the grounds of the revision briefly but clearly set out.(2)It shall be accompanied by a certified copy of the order required to be revised.(3)It shall be endorsed by the proprietor or his agent as follows:-(a)that the amount of tax assessed has been paid; and(b)that to the best of his knowledge and belief the facts set out in the application are true.(4)It shall be signed by the proprietor or his agent.

27.

The application may be summarily rejected if the applicant fails to comply with any of the requirement of rule 26.

28.

If the Commissioner does not reject the application summarily, he shall fix a date for its hearing. The revision petition shall be decided after notice to Assessing Authority concerned and after considering any representation that may be made by it and after giving an opportunity to the petitioner or such other persons as in the opinion of the Commissioner may directly be interested in the result of the petition, of being heard in person or by a duly authorised agent. The Commissioner may before deciding the application himself hold such further enquiries or direct it to be held by authority against whose decision the revision petition has been preferred, as may appear necessary to the Commissioner to meet the ends of justice.

Chapter VII Miscellaneous

29. Delegation.

- [Rule 29 omitted by Haryana Notification No. GSR 172/PA8/54/S.19/Amd(1)/75 dated 28th November 1975.]P.E.T. 1Security RegisterSee rule 5 of the Punjab Entertainments Tax (Cinematograph Shows) Rules, 1954

CN	ъ.	Name and address	•-	No. and date of treasury	Signatures of	n 1
S.No.	Date	of the proprietor	security deposited	receipt with which	Assessing	Remarks
			deposited	amountwas deposited	Authority	

1	2	3		4	5		6	7
		_					Cinematograph place of entertai	
S.No.	Date	No. and ti				_	of the proprietor	Remarks
1	2	3		4		5		6
1st to	14th a	and 15th to	end of m Cinemato	onth.P.E.T. graph Show	3Return of Shovs) Rules, 1954)	ow Tax(See rule Name of propri	ned for the perion 7 of the Punjab letorPeriod	
S.No.	Date	No. of shows held		t of tax e under the	Total Amount to tax paid		y receipts with ch thetax under	Remarks
1	2	3	4		5	6		7
of Rs.	 ct.For		_Certifica		, dat		for the payme Authority,	
the tre Punja (Ciner treasu	easury b Ent natog ry/Su	y.For Part l ertainment graph Show lb-Treasur	III, read a s Tax (Ci s) ActInv y/Branch 5) Other	ns to be atta nematograj voice of the of State Ba Taxes and I	ched by the Proph Shows) Rule tax paid intonk of India or i	prietor with the s, 1954.)Punjab ts subsidiary ba FaxName of mo	the Assessing Auereturn.]](See return.] Entertainments Ink and credited	ule 7 of the s Tax
By wh			me and a		ne Proprietor oi	n whose behalf	Payment on account of (i) Tax (ii) Penalty (iii)	Amount

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Composition

fee

					(iv)	Security	
					(v) (Other fees	
Dated		the		19			
Assessing Authori							
Amount received _		Treasury	AccountTre	asury Offic	er/Sub-Trea	sury Officer	/Agent,
State Bank of India	a or its subsic	liary Bank.					
(Stamp of Treasur	y) Treasury						
Note Signature o	of the clerk ar	d the Asse	ssing Author	ity and his	seal shall no	t be necessa	ry when
the challan is signe	ed by the pro	prietor for	voluntary de _l	posits).For	m P.E.T. 4		
Part IV – Ch	allan						
(To be retained by	the Proprieto	or)(See Rul	le 7 of the Pu	njab Entert	ainments Ta	ıx (Cinemato	ograph
Shows) Rules, 1954					of India or i	its subsidiar	y
bank.District							
				(ii)	Name, addro	ess of the pr	oprietor
on whose behalf m					D	ıl C I	
			on a			the sum of I	kupees
Entertainments Ta						•	to
			ition fee/Sec				
credited under the			-	* *			
Tax.Treasurer,Tre						dia or its sul	osidiary
Bank.Dated	P.H	E.T. 5Regis	ter of Refund	s(See rule	of the Punj	ab Entertair	nments
Tax (Cinematogra	oh Shows) Ru	ıles, 1954).					
Date of S.No. application for refund	Name and address of the applicant	Amount of refund claimed	Amount of refund admissible	Net amount of refund allowed	of refund		Remarks
1 2	3	4	5	6	7	8	9
P.E.T. 6Refund Vo	ucher(See ru	le 11 of the	Puniah Ente	rtainments	Tax (Cinem	atograph Sh	ows)
Rules, 1954).Voucl			-			O F	,
		_ (both in v		ures) has b		to the propr	ietor of
Dated.		District	e e	-			
Pay Rupees				(both i	n words and	l figures)Red	eived
pavmentDistrict					receipt stam	n is require	d for sum

over Rs. 20)	
Head Treasury Clerk Treasury Officer	
P.E.T. 7Refund Adjustment Order(See rule : Sows Rules, 1954.)	11 of the Punjab Entertainments Tax (Cinematograph
Rook No	Refund
Voucher No.	
10	
1. Certified that a refund of Rs	(in figures), (Rs
	due to (name)
credited into the treasury.	g which this refund is allowed has been
3. Certified that no refund order repreviously been granted and this original file of assessment under the control of the cont	order of refund has been entered in the
4. This refund will be adjusted tow proprietor for the or an	vards the amount of tax due from the said
proprieto: ioi tiio oi uii	, careequent penear
5. The proprietor shall attach this	order to the return to be furnished by him
for period against which is refund	is desired.
SignatureAssessing Author	ority
Seal of Assessing Authority	District.
Dated 19.P.E.T. 8Certificate of Tax (Cinematograph Shows) Rules, 1954)The entertainment specified below to be given from the context of the context o	of Exemption(See rule 14 of the Punjab Entertainments is is to certify that the undersigned authorities the ee of tax under the Act, provided that the whole of the
net proceeds are devoted to philanthropic, c:-DescriptionDatePlaceThis certificate is iss	haritable, educational or scientific purposes ued on the following conditions :-(1)The whole of the net
	over to(2)If the Deputy Excise and Taxation
-	ecount of the whole of the takings, together with a
_	Institution or Fund specified under condition (1) shall
·	ble for the management of the entertainment, within
	and those persons will be liable for the payment of the
	Commissioner is satisfied that the whole of the net he Society, Institution or Fund referred to.(3)The

certificate shall not be used for any other entertainment than that specified above and it shall be

exhibi	ited in a pro	mine	ent positi	on at the pub	olic entrar	ice to the	place of ente	rtainment at	the time the
public	are admitte	ed ar	nd during	the entertain	nment. No	o correcti	on or erasure	of any kind s	shall be
made	in the certif	icate	e.(4)If the	entertainme	ent is not	given on	the date or at	the place spe	ecified
above	, the person	s res	ponsible	for the mana	igement o	f the ente	ertainment sh	all give notic	e in writing
to tha	t effect with	in or	ne week a	fter the date	fixed for l	holding it	t.Deputy Exci	se and Taxati	on
Comn	nissioner,					_Division	n.The	19.P.E.T.	9[Demand
and C	ollection Re	giste	er] [Form	P.E.T. 9 sub	stituted b	y Punjab	Government	Notification 1	No.
4390-	ET (IV) 58/	4930	o dated th	ne 22nd Sept	ember, 19	59.](See	Rule 15 of the	Punjab Ente	ertainments
Tax (C	Cinematogra	iph S	Shows) Ru	iles, 1954)					
	Period of			m . 1		No. and		g: .	c
O 3.T	which	m.	Previous	Total	Amount	date of	Arrears	Signature o	
S.No.	amount is	Tax	arrears		paid	treasury	Column	Assessing	Remarks
	due			(3 plus 4)	•	receipt	(5-6)	Authority	
1	2	3	4	5	6	7	8	9	10
P.E.T.	10Notice o	f ann	earance i	ınder Sectio	n 8 of the	Puniah F	Entertainment	s Tax (Cinem	natograph
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							District. N		
201							W]		
propr	ietor of			Cin	ema pren	nises have	e not furnishe	d the return	or/and paid
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2. In	the even	t of	vou fai	lure to co	mply wi	th this	notice, I sl	nall procee	ed to
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turth	er refere	nce	to you.						
Signat	ture of Asse	ssing	g Authorit	У		Di	istrict.Seal	I	Dated
			_				. 10(See rule 2	21 of the Punj	ab
Enter	tainments T	'ax (C	Cinemato	graph Shows	s) Rules, 1	954)			
Year_					Distric	t.			
	Name ar	ւկ ոկ	dress of	Date of issue	e of Date	of final	Gist of the	Initials of	
Sr.No	propriet	e and address of Date of issue rietor notice		order		final order	Assessing	Remarks	
	propriet	<i>J</i> 1		nouce	oruei	-	mai Oruel	Authority	
1	2			3	4		5	6	7

P.E.T. 12Notice of Demand(See rule 22 of the			tograph Shows)
Rules, 1954)Office of the Assessing Authority,			_
District.No			
To			
tax payable by you has been assessed as under			
amount paid already Rs.Net			Rs.You are
hereby directed to pay the sum of Rs			
(in words) into treas	* .		
subsidiary bank, at (pla			
receipt in proof of payment to this office on or will be recoverable from you as arrears of land		(date) failing w	hich the said sum
2. A challan in form P.E.T. 4 is encl	osed for the p	urpose.	
SignatureAssessing Authority, _	Distr	ict.(Seal)Dated	P.E.T.
13Summons to appear in person and/or to pr			
Entertainments Tax (Cinematograph Shows)			3
1954)To		eas your attendanc	e is necessary to
give evidence/Whereas the following docume			
the Punjab Entertainments Tax (Cinematogra	aph Shows) Act, 19	54, regarding the c	ase concerning
, son of, of	, now pe	ending before me, [y	your are hereby
summoned to] [These words should be scored			
documents only.] appear in person/produce of	or cause to be prod	luced, the said com	ment(s) before
me on the at (t	time) a.	m./p.m. at (place)	and not
to depart until permitted by me.			
2. A sum of Rs being	g your diet mo	ney and travel	ling expenses
is lying in deposit and will be paid t	to vou in due o	course.	
, 3	,		
3. Failure without lawful excuse, to	appear and gi	ve evidence or	produce or
cause to be produced the documen			-
-		-	
under the provisions of Order XVI,	Rule 12, Civil I	Procedure Cod	e, 1908.
	J C	G' t	^
Given under my hand and seal, this			
Authority, District(Seal of Asset			
the summons is merely for the production of a			
document is sent per registered post.P.E.T. 14 (Cinematograph Shows) Rules, 1954)	µ(See rule 1/(2) of	ше ғищар Ешегіа	initients Tax
FORM P.E.T. 14	FORM P.E.T.	14	
Certificate of payment made under rule	Certificate of	payment made und	er rule

of the PunjabEntertainments Tax	of the PunjabEntertainments Tax (Cinematograph					
(Cinematograph Shows) Rules, 1954.	Shows) Rules, 1954.					
No	No Dated					
Dated						
Certified that proprietor of cinema locatedat in the district of has paid a sum of Rs by Treasury receipt/ State Bank or its subsidiarybank receipt No dated on account of tax oncinematographs shows, held during the fortnight from th,19 to th, 19	Certified that proprietor of					
Dated 19 (Sd)/- Assessing Authority, district.	Dated 19 (Sd)/- Assessing Authority, district.					
See Legislature Supply Part III, dated 27.12.1969	3.]					