

Sales Tax New Deferment Scheme For Industries, 1989

RAJASTHAN

India

Sales Tax New Deferment Scheme For Industries, 1989

Act 24 of 1956

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Sales Tax New Deferment Scheme For Industries, 1989 Made under Section 8(5) of the Central Sales Tax Act, 1956 (Central Act 24 of 1956), vide S.O. 57, Notification No. 4(35)FD/Gr. IV/87-39, dated 6.7.1989; Published In Rajasthan Gazette Extraordinary Part 4-C(II), dated 6.7.1989, page 87 S.O. 59. - In exercise of the powers conferred by Section 9 of the Central Sales Tax Act, 1956 (Central Act 24 of 1956), read with sub-section (2-b) of Section 7 of the Rajasthan Sales tax Act, 1954 (Rajasthan Act 29 of 1954), the State Government, being satisfied that it is expedient in the public interest so to do hereby notifies the "Sales Tax New Deferment Scheme for Industries, 1989" (hereinafter referred to as the "New Deferment Scheme") and allows the industrial units prescribed in this notification to defer the payment of tax on sales made in the course of inter State trade or commerce of the goods manufactured by them within the State, in the manner and to the extent and for the period as covered by this notification.

1. Operation of the Scheme.

(a) This New Deferment Scheme shall be deemed to have come into operation with effect from 5th March, 1987 and shall remain in force upto 31st March [1995] [Substituted by Notification No. F.4(86)FD/GR.IV/89-55 dated 27.06.1990 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 27.06.90 page 359.](aa)[An industrial unit with projected fixed capital investment of Rs. 50 Crores or more shall be deemed covered under clause (a) if it makes atleast 50% of its eligible fixed capital investment by 31st March, 1995 and commence commercial production by 31st March, 1997.] [Inserted by Notification No.F.4(86)FD/GR.IV/89-23 dated 29.06.1992 Published in Rajasthan Gazette Extraordinary 4-C(i) dated 30.6.92 page 129-6.](b)An industrial unit, other than the new industrial unit covered by 1985 Dispensation, being covered by the Sales Tax Deferment Scheme for Industries 1987 (hereinafter referred to as the Old Deferment Scheme) shall have an alternative option to seek the benefits under the New Deferment Scheme.(c)An industrial unit, of which the application under the old Deferment Scheme has been rejected on the ground of limitation only, or is pending before any Screening Committee shall be entitled to opt for the New Deferment Scheme

by making a simple application on a plain paper to this effect before the appropriate Screening Committee.(d)An industrial unit, which has already been granted sanction by any Screening Committee under the Old Deferment Scheme or to whom an eligibility certificate under that scheme has already been issued, may also opt for the New Deferment Scheme by making a simple application on a plain paper to the assessing authority concerned and by depositing the tax liability as required to be deposited under the New Deferment Scheme for the part period for which benefits under the Old Deferment Scheme have already been availed of and the period and manner of depositing of such tax liability shall be determined by such assessing authority after obtaining the prior approval of the Commissioner.(e)An industrial unit, if once gets sanctioned the benefits under the New Deferment Scheme by the appropriate Screening Committee, it shall not be allowed to switch over the Old Deferment Scheme.(f)No industrial unit shall be allowed to take the benefits of both the Old Deferment Scheme and the New Deferment Scheme simultaneously.(g)[If an industrial unit has been allowed the benefit of exemption from tax under the Incentive Scheme, such unit immediately or after completion of one or more accounting year/s, may be permitted by the assessing authority, with the previous approval of the Commissioner, to avail of the proportionate benefit under this scheme and in such case the benefit of exemption from tax already availed of and the benefit of deferment of tax to be allowed under the scheme shall be clubbed together for the purpose of total permissible limit of benefit and all the conditions of this scheme shall mutatis mutandis apply.] [Added by Notification No.F.4(7)FD/GR.IV/92-89 dated 04.03.92 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 04.03.92 page 467.]

2. Definitions.

(a)"New Industrial Unit" means an Industrial unit which commences commercial production during the operative period of the New Deferment Scheme but will not include:(i)an Industrial unit established by transferring or shifting or dismantling an existing industry; and(ii)an industrial unit established on the site of an existing unit manufacturing similar goods.[Explanation I- Date of commencement of commercial production means the 61st day after the day on which the raw material is, for the first time, put in the process of production including trial production.] [Renumbered by Notification No. F.4(11)FD/GR.IV/91-105 dated 21.02.1991 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 22.2.91 page 687.][Explanation II-Very Prestigious Electronic Industrial Unit may use the dismantled machinery of an existing industry upon twenty percent of its investment in plant and machinery.] [Added by Notification No. F.4(11)FD/GR.IV/91-105 dated 21.02.1991 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 22.2.91 page 687.](b)"Sick Industrial Unit" means -(i)[an Industrial unit which has incurred cash losses in two complete and consecutive financial years immediately proceeding the commencement of this scheme or during the operative period thereof, and is likely to continue to incur cash losses in the next financial year.] [Substituted by Notification No. F.4(86)FD/GR.IV./89-Pt-29 dated 24.8.1992 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 24.8.92 page 189-7.] and has an erosion on account of cumulative cash losses to the extent of 50% or more of its net worth and being potentially viable is taken up by a Central or State Level financial institution or a bank, under a programme of rehabilitation; or(ii)an industrial unit which is declared sick during the operative period of this scheme by the Board for Industrial and Financial Reconstruction under the provisions of the Sick Industrial Companies (Special Provisions) Act, 1985 and which is taken up by a Central or State

level financial institution or a bank under a programme of rehabilitation; or(iii)a closed industrial unit which is taken over and sold during the operative period of this scheme to a new management by RIICO or RFC.(c)['Eligible Area' means the area other than the Banned Areas.] [Substituted by Notification No. F.4(92)FD/GR.IV/91-56 dated 07.09.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 07.09.91 page 211-53.](d)["Banned Areas" means the areas under:- [Substituted by Notification No. F.4(92)FD/GR.IV/91-56 dated 07.09.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 07.09.91 page 211-53.](i)The urban Agglomeration limits of Jaipur and Kota; and(ii)Municipal/UIT Limits of all towns:Provided that industrial units located in the industrial areas developed/financed by the State Government or its Corporations [prestigious electronic units] and very prestigious electronic units and sick units as defined in clause 2(b) and located anywhere in the State, shall be eligible for Incentive provided under this notification.](e)"Eligible fixed capital investment" means investment in :-(i)land;(ii)New buildings;(iii)New plant and machinery and imported second hand machinery from outside the country and installation expenditure capitalised for plant and machinery;(iv)Capitalised interest during construction not exceeding 5% of the total fixed capital investment; and(v)Technical know-how fees or drawing fees paid in lump sum to foreign collaborators or foreign suppliers as approved by Government of India or paid to laboratories recognised by the State Government or Central Government.Explanations. - (1) Working capital (whether raised through Banks or otherwise and including working capital margin). Goodwill fees, engineering fees, commissioning expenses, royalties capitalised or otherwise, preoperative expenses, expenditure on trucks, cars, vans, trailers, tractors and transport vehicles and catalysts will not be considered as eligible capital investment for the purpose of this scheme.(2)Plant and Machinery used or installed anywhere in India and shifted, purchased, leased, hired, licensed or transferred in any manner will not be considered as fixed capital investment eligible for the Sales Tax Deferment.(3)In case of new industrial unit, only those assets which are acquired and paid for during the operative period of this scheme, and not before 1.4.85 will be eligible for the deferment of tax under this scheme. [But in case of a unit covered by clause 2(aa) the assets acquired and paid for during the period starting from 5th March, 1987 and ending on 31st March, 1997, will be considered for claiming the benefits under this scheme.] [Added by Notification No. F.4(86)FD/GR.IV/89-35 dated 27.08.1992 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 27.8.92 page 197-9.](4)In case of industrial units going in for expansion or diversification, only those assets which are acquired and paid for during the operative period of this scheme will be eligible for the sales tax incentive under this scheme.(f)"Expansion" means increase in the value of fixed capital investment by not less than 25% of the net fixed assets of the existing project and accompanied by an increase in the production to the extent of at least 25% of the original licensed/registered capacity.Explanation - The benefits of sales tax deferment for expansion shall be admissible to the eligible units only after they have achieved at least 85% of their licensed/registered capacity before expansion.(g)"Diversification" means launching of new product line under the same company, firm or partnership provided that the total fixed capital investment in such a diversification exceeds at least 25% of the value of the net fixed assets of the original project.(h)"Pioneering Unit" means the first "new industrial unit" established in any Panchayat Samiti of the State during the period of this scheme in which investment in fixed capital exceeds Rs.3.00 crores and the minimum permanent employment is 100 persons.(i)"Prestigious Unit" means a "new industrial unit" first established in any panchayat Samiti of the State during the period of this scheme in which investment in fixed capital exceeds Rs. 10.00

crores with a minimum permanent employment of 250 persons or a "new industrial unit" having a fixed capital investment exceeding Rs.25.00 crores and with a minimum permanent employment of 250 persons, [or a new electronic industrial unit having fixed capital investment exceeding Rs. 25.00 crores.] [Inserted by Notification No. F.4(86)FD/GR.IV/89-39 dated 29.08.1992 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 29.08.1992 page 201-7.](ii) ["Very Prestigious Unit" means 'a new industrial unit' established in any Panchayat Samiti of the State during the period of this scheme in which investment in fixed capital is Rs. 100 Crores or more.] [Inserted by Notification No. F.4(66)FD/GR.IV/82-83 dated 06.12.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 06.12.90 page 562.][However, in case of a unit covered by clause 2(aa), the progressive investment of the amount of project cost as appraised by the financial institutions shall be considered as investment made by a new unit, and as soon as such investment reaches or crosses the point of Rs. 100.00 crores. the unit shall acquire the status of a very prestigious unit for the purpose of claiming enhanced proportionate benefits under the scheme.] [Added by Notification No. F.4(86)FD/GR.IV/89-35 dated 27.08.1992 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 27.8.92 page 197-9.](j) "Ineligible industries" means the industries listed in Annexure B to this notification which will not be eligible for deferment of tax :[Provided that the restriction imposed in this clause shall not apply to a sick unit as defined in sub-clause (b) of this clause.] [Inserted by Notification No. F. 4(86)FD/GR. IV/89-74 dated 27.12.1989 Published in Rajasthan Gazette Ordinary 4-C(ii) dated 08.11.90 page 197-9.][Provided further that large scale new cement plants established, except in Tribal sub-plan are. shall be entitled to deferment of tax as provided in Clause 4 of this notification.] [Inserted by Notification No. F.4(8)FD/GR.IV/91-122 dated 06.03.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 06.03.91 page 732.][Provided further that Oil extracting or manufacturing industry, whether new or going for expansion or diversification, shall be entitled to claim deferment of tax as provided in Clause 4 of this notification.] [Inserted by Notification No. F.4(8)FD/GR.IV/90/36 dated 26.07.1991 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 29.7.91 page 155-4.](k) "Screening Committee for Eligibility Certificates".-In order to avail the facility available under "New Deferment Scheme" the applicant Industrial unit will have to obtain sanction from the State or District Level Screening committees, as the case may be.(i)The State level Screening committee which will grant sanction in respect of large scale units will consist of the following: -

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|----------------------------------------------|------------------|
| 1. Secretary, Industries | Chairman |
| 2. Chairman and Managing Director, RIICO | Member |
| 3. Commissioner, Commercial Taxes Department | Member |
| 4. Director of Industries | Member Secretary |
- (ii)The District Level Committee, which will grant sanction to medium and small scale units, will consist of the following: -
- | | |
|----------------------------------------------------------------------------------------------|----------|
| 1. Collector of the district | Chairman |
| 2. Representative of the Commercial Taxes Department(nominated by Commissioner) | Member |
| 3. Branch Manager, concerned of Rajasthan FinancialCorporation | Member |
| 4. Representative of RIICO in case of medium scale units whereRIICO is the lead institution. | Member |

5. General Manager, District Industries, Centre

Member
Secretary

Note. - 1. (a) small scale unit means a unit of which the investment in plant and machinery does not exceed Rupees [sixty] [Substituted by Notification No. F.4(86)FD/GR.IV/89-19 dated 17.06.1992 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 18.6.92 page 103-6.] lakhs.(b)Medium scale unit means a unit of which the project cost does not exceed rupees five crores.(c)Large scale unit means a unit of which the project cost exceeds rupees five crores.

2. The State Level Screening Committee would also act as the Monitoring Committee to review the work done by the District Level Committee.

3. Applicability of the New Deferment Scheme.

- The New Deferment Scheme will be applicable:-(1)to new Industries Unit;(2)to Industrial Units going in for expansion or diversification: and(3)to Sick Units.Explanation. - 1. The ineligible industries shall not be given any benefit under this notification.

2. The industrial units claiming deferment under this scheme should be or should have been established in the areas other than banned areas, but this restriction shall not apply to a sick unit.

3. Renovation and rationalisation of Industrial Units will not be eligible for deferment of tax under this Scheme. Similarly, replacement of plant and machinery or other assets or change of product mix will not be eligible for exemption from tax.

4. When a specified manufacturer holding eligibility Certificate under this notification transfers his industry in whole, the transferee shall be eligible for availing of the remaining benefit of the new industry of the transferor, provided such transferee is otherwise eligible and gets eligibility Certificate afresh under this notification.

4. Deferment of tax on sales.

(a)An industrial unit, which is granted eligibility certificate under this notification shall be entitled to defer the payment of tax on sales made in the course of inter-State trade and commerce, the goods manufactured by it in accordance with the parameters incorporated in 'Annexure C' to this notification :[Provided that a sick unit, as defined in class 2(b) and falling in the list of industries not eligible for deferment of sales tax in Annexure 'B'. may be entitled to claim deferment of tax to the extent of 25% of its tax liability under the Act with all restrictions applicable to sick units as provided in the columns No. 4 and 5 of Annexure 'C'. [Inserted by Notification No. F. 4(86)FD/GR.

IV/89-74 dated 27.12.1989 Published in Rajasthan Gazette Ordinary 4-C(ii) dated 08.11.90 page 197-9.][Provided further that all new units, manufacturing cement including the units covered by second proviso of sub-clause (j) of clause 2 shall be entitled to claim deferment of tax to the extent of 75% of their tax liability under the Act with all other restrictions applicable to an industrial unit as provided in Annexure 'C'.] [Inserted by Notification No. F. 4(35)FD/GR. IV/87-Part3-83 dated 11.01.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 17.01.90 page 323-9., Substituted by Notification No. F.4(8)FD/GR.IV/91-122 dated 06.03.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 06.03.91 page 732. and again by No. 12][Provided further that the restriction in terms of percentage of fixed capital investment in annexure 'C' shall not apply to an electronic industrial unit given in Annexure 'D' appended to this notification, but the maximum time limit of the benefit for such unit under the notification shall be restricted to Five Years in all cases, except that in case of new pioneering or a prestigious electronic unit, such time limit shall be nine years:] [Inserted by Notification No. F.4(86)FD/GR.IV/89-55 dated 27.06.1990 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 27.06.90 page 359.] [And that in case of a very prestigious electronic unit such unit shall be eleven years] [Inserted by Notification No. F.4(66)FD/GR.IV/82-83 dated 06.12.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 06.12.90 page 562.][Provided further that Oil extracting or manufacturing Industry, shall be entitled to claim deferment of tax to the extent of 75% of their tax liability in case new Industries and to the extent of 60% of their tax liability in case of Industries going for expansion or diversification, with all conditions and restrictions as mentioned in Annexure 'C' to this notification.] [Inserted by Notification No. F.4(8)FD/GR.IV/90/36 dated 26.07.1991 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 29.7.91 page 155-4.](b)For the purpose of arriving at the limit of tax to be deferred as provided in Annexure 'C' the aggregate of the following shall be considered:-(i)Aggregate amount of tax which would have been leviable under the provisions of the Rajasthan Sales Tax Act, 1954;(ii)Aggregate amount of tax on inter State sales which would have been leviable under the provisions of the Central Sales Tax Act. 1956; and(iii)Aggregate amount of tax, as and when levied, on consignments.(c)An industrial unit claiming deferment of tax under this notification shall not be entitled to claim any deduction, drawback, set-off, partial exemption or refund in respect of purchases made by it but different concessions in any form available under any section of the Act shall not be denied to such unit.(d)When the limit of tax to be deferred as prescribed in Annexure 'C' is reached, the industrial unit:(i)shall pay the deferred tax in the equal half yearly instalments without interest and first instalment shall be payable within a period of thirty days from the date of the expiry of eligibility of the benefits under this scheme and subsequent instalments shall be payable at the intervals of the period of six months:Provided that where any such instalment is not paid in time, the total outstanding deferred amount payable in instalments shall be recoverable immediately as arrears of land revenue with interest at the rate prescribed in the Act from the first day of default of such instalment;(ii)shall pay the current tax as per the provisions of subsection (2-A) of section 7 of the Rajasthan Sales Tax Act, 1954 read with sub-section (2) of Section 9 of the Central Sales Tax Act, 1956.(e)The deferment available under this scheme, shall be subject to the condition that the beneficiary industrial unit after having availed of any benefit under this scheme shall not make sales outside the State including branch transfers of goods manufactured by it.[Exceeding 60% in case of SSI, Medium and Large units and 80% in case of pioneering and prestigious units and 90% in case of Very Prestigious units] [Substituted by Notification No. F.4(66)FD/GR.IV/82-83 dated 06.12.90 Published in Rajasthan Gazette

Extraordinary 4-C(ii) dated 06.12.90 page 562.] of its total production. As soon as the eligibility certificate for deferment of tax is issued to an industrial unit, all assets of such units shall stand pledged automatically and without any documentation to the Commercial Taxes Department of the State of Rajasthan: Provided where such assets are already pledged with any financial institution against some loan already sanctioned, the charge of the Commercial Taxes Department shall be deemed *pari passu* with such institution: Provided further that in cases not covered by the preceding proviso, the Commercial Taxes Department shall have the first charge over the assets of such unit.

5. Grant of Eligibility Certificate.

(a) An industrial unit covered by sub-clause (c) or (d) of clause (1) of this scheme, may make an application for change of option to the appropriate authority within 180 days from the date of the publication of this scheme in the official Gazette, and the said authority shall be competent to entertain such application, on sufficient grounds, even after the said period of limitation. (b) An industrial unit eligible to claim benefit under this scheme, other than that covered by such clause (c) or (d) of clause (1) of this scheme, may make an application in Form 'A' appended to this notification to the Member Secretary of the appropriate Screening Committee within 180 days from the date of the publication of this notification, or commencement of commercial production, or commencement of expended or diversified production or declaration of sickness or change of management of a closed unit by RIICO or RFC, whichever is later: but any application filed beyond the said limitation may be entertained on sufficient grounds by the competent authority. (c) An industrial unit covered by sub-clause (d) of clause (1) shall be issued the eligibility certificate under this scheme, even if any certificate had been issued to such unit under the Old Deferment Scheme. (d) An application of industrial unit other than that of covered by sub-clause (d) of clause (1) of this scheme shall be examined by the competent Screening Committee and such committee shall, after obtaining additional information or after conducting or having got conducted an enquiry, may pass appropriate orders for sanction/refusal of eligibility certificate. In case of sanction of eligibility certificate, such sanction shall be communicated in writing to the assessing authority concerned, who shall issue eligibility certificate in Form 'B' appended to this notification within a period of 7 days from the date of the receipt of the sanction. (e) The eligibility certificate issued under this notification shall stand valid till the maximum limit of tax to be deferred under this scheme is not reached, or till such certificate is not amended, suspended, revoked or cancelled. (f) An industrial unit covered by this scheme shall not be entitled to claim any benefit under it. if it has been penalized for avoidance or evasion of tax or any case of avoidance or evasion of tax if pending against it, at any forum of hearing: [Provided that where the offence of avoidance or evasion of tax is technical or venial in nature, the State level Screening Committee in case of large scale units *suo motu* or otherwise and in case of medium and small scale units on the reference made by the District Level Screening Committee or otherwise, may for reasons to be recorded in writing, waive the condition mentioned in sub clause (f) above.] [Inserted by Notification No. F.4(7)FD/GR.IV/92-89 dated 04.03.92 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 04.03.92 page 467.] (g) the benefit of New Deferment Scheme shall be available from the date of issue of the eligibility certificate. (h) When an industrial unit opts for the Sale Tax New Incentive Scheme, it shall not be entitled to get benefit under this notification.

6. Appeal to the Tribunal.

(a) Any party feeling aggrieved, may file an appeal to the Tribunal against any order of a District Level Screening Committee or the State level Screening Committee within a period of sixty days from the date of communication of the order sought to be appealed against: Provided that the period of limitation in this clause shall be 180 days in case of an appeal being filed by a Commercial Taxes Officer or an Assistant Commercial Taxes Officer. (b) The division or the larger Bench of the Tribunal shall, after giving the parties concerned to the appeal an opportunity of being heard, pass such order thereon as it thinks fit.

7. Breach of conditions.

(a) An industrial unit covered by the New Deferment Scheme shall be subject to all the provisions of the Rajasthan Sales tax Act/the Central Sales Tax Act and the rules made thereunder and the terms and conditions in this notification. (b) The assessing authority under the Rajasthan Sales Tax Act, 1954 having jurisdiction shall, either suo motu or on receipt of an application in this behalf, and after affording an opportunity of being heard to the industrial unit, if he is satisfied that a breach of any of the conditions mentioned above has been committed, obtain the prior permission of the Commissioner before taking legal action under the provisions of the Rajasthan Sales Tax Act, 1954 for the purpose of recovery of deferred tax with interest, as if there was no deferment. The Commissioner, in case he occurs with the findings of the assessing authority shall, before according such permission to the assessing authority, consult the appropriate Screening Committee. (c) The Screening Committee shall be empowered to amend, suspend, restore or cancel the sanction for eligibility certificate accorded by it and copies of such orders shall be endorsed to the assessing authority.

8. Review of the Deferment Scheme.

- The State Government reserves the right to review or amend this scheme as and when needed. [Explanation 1. Whenever an industry is included, on any date during the period of operation of this scheme, in Annexure 'B' appended to it, the units of such industry-(a) which have been granted eligibility certificate under this scheme before the said date; or (b) which have been sanctioned eligibility for the benefits under this scheme before the said date; or (c) which have started commercial production and the applications thereof are pending on the said date before the appropriate Screening Committee; shall be entitled to claim full benefits in accordance with the provisions of this scheme.] [Inserted by Notification No. F.4(66)FD/GR.IV/82-76 dated 10.09.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 10.09.90 page 473-16.](2)[. The benefits allowed under Explanation 1 above shall be available to new units and units which have undergone expansion or diversification as defined in this scheme.] [Substituted by Notification No. F.4(66)FD/GR.IV/82-11 dated 18.04.1991 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 18.4.91 page 41-12.] Annexure 'A' - [Omitted] [Omitted by Notification No. F.4(92)FD/GR.IV/91-56 dated 07.09.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 07.09.91 page 211-53.] Annexure 'B' List of Industries not eligible for Sales Tax deferment under the New Deferment Scheme

- 1. [All flour mills other than roller flour mill, rice, pulses, cereal, spice and sugar mills established at places having a population in excess of 25,000 as per the 1981 Census.] [Substituted by Notification No. F.4(7)FD/GR.IV/92-12 dated 09.06.92 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 09.06.92 page 99-13.]**
- 2. Photographic studios (other than cinematographic studios).**
- 3. Manufacture of ice candy and ice fruits, ice Kulfi, sweetmeats and aerated waters.**
- 4. Laundry.**
- 5. Tailoring, other than manufacture of ready made garments.**
- 6. Repacking of any goods including medicines, toiletries, pesticides, herbicides, edible products.**
- 7. Production of firewood and charcoal.**
- 8. Decorticating, roasting, parching, frying oil seeds and colouring, decolouring and sending of oil.**
- 9. Preparation of bread, biscuits and bakery products other than by mechanised bakery.**
- 10. [All cement plants (including white cement plants) except,- [Entry 10, Substituted by Notification No. F.4(35)FD/GR.IV/87 Part 3-83 dated 11.01.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 17.01.90 page 323-9.]**

(a) those in the small scale sector; (b) mini cement plants of the capacity limited to 200 tonnes per day or 66,000 tonnes per annum; and (c) new industrial units in the Tribal Sub plan Area.]
- 11. Saw mills, wooden furniture items.**
- 12. Tin container and similar products using tin sheets and/or metal sheets.**

13. All large scale mining and mineral based Industry.

14. Ordinary bricks.

15. Hotel, Motel, Restaurants and catering or eating places.

16. Power intensive units based on electro thermal/electro chemical processes or units where total power requirement exceeds 2500 K V A of contract load and where cost of power is more than 25% of cost of production of the item (s) of manufacture.

17. Khandsari units.

18. Dairy milk powder and other manufacturing products based on milk, except when it is in the Co-operative Sector; however, even in the Co-operative sector, mere pasteurisation or sterilisation will not be eligible.

19. Unit distilling, storing, bottling, blending or brewing liquor/alcohol.

20. Such other items for which registration is prohibited or registration is restricted as per the advice of DCSSI, New Delhi or for which DGTD Registration/LOI under the Industries Development and Regulation Act is not granted or those units which are barred by the Director of Industries, Rajasthan from time to time.

21. [Oil extracting or manufacturing Industry excluding solvent extracting industry (including composite units with refining facility).] [Inserted by Notification No. F.4(66)FD/GR.IV/82-10 dated 07.05.90 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 07.05.90 page 11. and Substituted by Notification No. 8]

22. Cotton ginning Industries.

[Annexure 'C' [Substituted by Notification No. F.4(92)FD/GR.IV/91-56 dated 07.09.91 Published in Rajasthan Gazette Extraordinary 4-C(ii) dated 07.09.91 page 211-53.]Quantum of Sales Tax to be deferred under the New Deferment Scheme

SI. No.	Type of units	Extent of the percentage of	Maximum deferment in terms of percentage of fixed capital	Maximum time limit for availing
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		deferment of tax investment (FCI)		deferment of tax
1	2	3	4	5
1	New Units	75% of total tax liability	100% of fixed capital investment in case of medium and large scale units and 125% of FCI in case of smallscale units	Seven years
2	Units going in for Expansion or Diversification	60% of total tax liability	100% of additional-fixed capital investment	Seven Years
3	Sick units	50% of total tax liability	100% of fixed capital investment in case of medium and large scale units and 125% of FCI in case of smallscale units	Seven years
4	New units producing pollution control equipments/ pioneering units/ prestigious units	75% of total tax liability	100% of fixed capital investment	Nine Years
5	New very prestigious Units	90% of total tax liability	100% of fixed capital investment	Eleven Years
6	100% Export Oriented Prestigious/ pioneering units	100% of total tax liability	100% of fixed capital investment	Nine years
7	100% Export Oriented very Prestigious/Unit	100% of total tax liability	100% of fixed capital investment	Eleven Years

Explanation. - A 100% Export oriented unit means an Industrial unit which shall make sale of its manufactured products including by-products in the course of exports out of the territory of India, covered by sub-section (1) of section 5 of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956). Notes. - 1. The total amount of tax to be deferred mentioned in column 3 above shall be subject to further limit of percentage of fixed capital investment and limit of years, mentioned in columns 4 and 5 respectively.

2. In case of units going in for expansion or diversification, the deferment of tax under this Scheme shall be available only on the sales of the goods of expanded production or diversified production, as the case may be.

3. In case of units going in for expansion or diversification with increase in the value of fixed capital investment by not less than 100% of the net fixed assets of the existing project and accompanied by an increase in the

production to the extent of atleast 100% of the original licensed/registered capacity shall be eligible for deferment of 75% of the total tax liability subject to the limits mentioned in columns 4 and 5 above.

4. In case of New Very Prestigious Electronic Units given in Annexure "D", the deferment of tax shall be 100% of the total tax liability and the maximum time limit of the benefit for such units shall be 11 years.

5. The units established in the revenue districts of Jaipur, Ajmer, Ganganagar, Pali, Kota, Bundi, Bharatpur, Bikaner, Dholpur, chittorgarh, Dausa and Baran and which started commercial production before the publication of this notification shall be entitled to the quantum of deferment of tax which was available in the districts of category II in the existing Annexure "C" prior to the publication of this notification.]

[Annexure "D"] [Inserted by Notification No. F.4(66)FD/GR.IV/82-10 dated 07.05.90 Published in Rajasthan Gazette Extraordinary 4-C(ii)Extraordinary 4-C(ii) dated 07.05.90 page 11.]List of Electronics Industrial UnitsSuch Schedule already given In 'Sales Tax Incentive Scheme for Industries, 1987', therefore not repeated here.Form 'A'Application for the Sanction of Eligibility Certificate under the Sales Tax New Deferment Scheme for Industries, 1980To.The Member Secretary,State/District levelScreening Committee,.....

1. Name of the Applicant.

2. Name & Style under which the applicant carries on business.

3. Status of the applicant such as Proprietor/Manager/Partner/Director/Karta of the Family.

4. Principal place of business with P.O., Tehsil and District.

5. Branches, if any, at.

6. Registration Certificate No. under R.S.T. Act and CST Act.

7. Assessing Authority (Name of Circle).

8. Date of commencement of Commercial production.

9. Name of the goods manufactured/ to be manufactured.

10. Basis for Eligibility :

(a)New Industrial Unit.(b)Sick Industrial Unit.(c)Expansion.(d)Diversification.

11. Value of Eligible Fixed Capital Investment (Total).

(a)Cost of land----- (b)Cost of New Building----- (c)Cost of New Plant & Machinery----- (d)Others----- (Complete details of eligible fixed capital investment with proper proof and requirements of the Inventive Scheme should be enclosed with the application).Declaration

1. I/We hereby opt for the deferment from Tax under the New Deferment Scheme.

2. I/We hereby under take that I/We shall abide the provisions of the Act and the terms and conditions contained in the relevant notification issued in this behalf.

Signature of the Applicant(s)and his/their status.VerificationI/We verify that to the best of my/our knowledge and belief the information given above is true and correct and nothing has been concealed.

Place..... Signature of the Applicant (s)and his/theirstatus

Date.....

Form 'B'Eligibility Certificate(New Deferment Scheme, 1989)

1. Book No.

2. Serial No.

3. Name of the applicant with status

4. Name and Style of the business with full address

5. Principal place of business with full address

6. Basis for Eligibility :-

(a) New Industrial Unit

(b) Sick Industrial Unit

(c) Expansion

(d) Diversification

7. Valid from (subject of maximum limit of deferment under theNotification)

8. Details for deferment from tax :

(a) Eligible fixed capital investment Rs. -----(in words)

(b) Maximum limit of years

(c) Percentage of deferment from tax liability

9. If switched over from Old Deferment Scheme to New DefermentScheme:-

(a) Eligible fixed capital investment Rs.----- (inwords) -----

(b) Maximum limit of years -----

(c) Tax liability to be cleared under the New DefermentScheme, if any
----- Rs. ----- (inwords) -----

(d) Date of commencement of deferment under the New DefermentScheme

(e) Percentage of deferment from tax liability

Note. - This certificate is liable to amendment/suspension/cancellation on breach of any of the conditions mentioned In the notification.

Place..... Signature of the Applicant (s)and his/ theirstatus