

Gujarat Sales Tax Act, 1969

GUJARAT

India

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1. [Amended by Gujarat Sales Tax (Amendment) Act, 1972 (Act 9 of 1972) on 19 July 1972]

Received the Assent of the Governor on the 12th March, 1970 is hereby published for general information. As Act to consolidate and amend the law relating to the levy of a tax on the sale or purchase of certain goods in the State of Gujarat. It is hereby enacted in the Twentieth Year of the Republic of India as follows:-Chapter-I

1. Short title, extent and commencement. - (1) This Act may be called the Gujarat Sales Tax Act, 1969.

(2) It extends to the whole of the State of Gujarat. (3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. (4) Any notification, order or rule may be made, and certificates of Registration, Licences, Recognitions or Permits may be granted or issued under this Act, at any time after the passing thereof; but such notification, order, rule or certificate of Registration, Licence, Recognition or Permit made, granted or issued shall not take effect until the appointed day.

2. Definitions. - In this Act unless the context otherwise requires,-

(1) "agriculture" with all its grammatical variations and cognate expressions includes horticulture, the raising of crops, grass garden produce, and also grazing; but does not include dairy farming, poultry farming, stock breeding or the mere cutting of wood or grass or gathering of fruit; (2) "agriculturist" means a person who cultivates land personally; (3) "appointed day" means the date on which the remaining provisions of this Act shall come into force under sub-section (3) of section 1; (4) "business" includes-(i) any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture, whether or not such trade, commerce, manufacture, adventure or concern is carried on with a motive to make profit and whether or not

any profit accrues from such trade, commerce, manufacture, adventure or concern; and(ii)any transaction of buying, selling or supplying plant, machinery, raw material, processing materials, packing materials, empties, consumable stores, waste products, or such other goods, or waste or scrap of any of them which is ancillary or incidental to or resulting from such trade, commerce, manufacture, adventure or concern;but does not include any activity in the nature of mere service or profession;(5)"Commission agent" means a dealer who bona fide buys or sells, for an agreed commission, any goods on behalf of principals mentioned in his accounts id respect of each transaction;(6)"Commissioner" means the person appointed to be the Commissioner of Sales Tax for the purposes of this Act;(7)"to cultivate" with all its grammatical variations and cognate expressions, means to carry on any agricultural operation;(8)"to cultivate personally" means to cultivate on one's own account-(i)by one's own labour, or(ii)by the labour of one's own family, or(iii)by servants on wages payable in cash or kind (but not in crop share), or by hired labour under one's personal supervision or the personal supervision of any member of one's family:Explanation I. - A widow or a minor, or a person who is subject to any physical or mental disability or is a serving member of the armed forces of the Union, shall be deemed to cultivate land personally if it is cultivated by her or his servants or by hired labour;Explanation II. - In the case of a Hindu undivided family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family;(9)"declared goods" means declared goods as defined in the Central Sales Tax Act, 1956 (LXX-IV of 1956);(10)"dealer" means any person who buys or sells goods in connection with his business; and includes Central Government, a State Government or any local authority and also any society, club or other association of persons which buys goods from or sells goods to its members or to other persons;Exception I. - An agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause;Exception II. - A charitable, religious or educational institution, carrying on the activity of manufacturing, buying, selling or supplying goods, in performance of its functions for achieving its avowed objects, shall not be deemed to be a dealer within the meaning of this clause;Exception III.-An individual who sells exclusively any fish or any seafood caught by him personally or by any member of his family on account of or on behalf of such individual, shall not be deemed to be a dealer within the meaning of this clause;(11)"earlier law" means any of the following laws, that is to say-(i)the Bombay Sales Tax Act, 1946 (Bom. V of 1946),(ii)the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ord. No. III of 1952),(iii)the Bombay Sales Tax Act, 1953 (Bom. III of 1963),(iv)the Bombay Sales of Intoxicants Taxation Act, 1953 (Bom. XLVII of 1953),(v)the Saurashtra Sales Tax Ordinance, 1950 (San. Ord. No. XVIII of 1950),(vi)the Central Provinces and Berar Sales Tax Act, 1947 (C.P. and Berar Act No. XXI of 1947), as extended to the Kutch area of the State of Gujarat, or(vii)the Bombay Sales Tax Act, 1959 (Bom. LI of 1959),as amended from time to time and includes enactments which have validated anything done or omitted to be done under these laws;(12)"goods" means all kinds of movable property (not being news-papers or actionable claims, or stocks, shares or securities) and all materials, articles and commodities, including standing timber and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale;(13)"importer" means a dealer who brings any goods into the State, or to whom any goods are dispatched from any place outside the State;(14)"Licence" means a licence granted under section 31 or, as the case may be, section 36 and includes a Licence deemed to have been granted under this Act;(15)"Licensed dealer" means a Registered dealer holding a Licence;(16)"manufacture" with all its grammatical variations and cognate expressions,

means producing, making, extracting, collecting, altering, ornamenting, finishing or otherwise processing, treating, or adapting any goods; but does not include such manufactures or manufacturing processes as may be prescribed.(17)"Permit" means a permit granted to a Commission agent under section 33 and includes a Permit deemed to have been granted under this Act;(18)"person" includes any company or association or body of individuals, whether incorporated or not, a society, club or other institution and also a Hindu undivided family, a firm, a local authority. Central Government or a State Government;(19)"place of business" includes a ware-house, godown or other place where a dealer stores his goods and any place where he keeps his books of accounts;(20)"prescribed" means prescribed by rules;(21)"prohibited goods" means the goods described in entries 1 p. 25 (both inclusive) in Part A of Schedule II, or in entries 1 to 12 (both inclusive) in Part B of Schedule II or in entries 1 and 2 in Schedule III and such other goods as the State Government may, from time to time, by notification in the Official Gazette, specify, as such;(22)"purchase price" means the amount of valuable consideration paid or payable by a person for any purchase made including any sum charged for any thing done by the seller in respect of the goods at the time of or before delivery thereof, other than the cost of insurance for transit or of installation when such cost is separately charged;(23)"Recognized dealer" means a Registered dealer who holds a Recognition;(24)"Recognition" means a Recognition granted under section 32 and includes a Recognition deemed to have been granted under this Act;(25)"Registered dealer" means a dealer registered under section 29 or 30 and includes a dealer,-(i)who holds a certificate of registration deemed to have been granted under this Act; and(ii)to whom a fresh certificate of registration has been granted under section 30A;(26)"resale" for the purposes of sections 7, 8, 10, 13 and 15 means a sale of purchased goods;-(i)in the same form in which they were purchased, or(ii)without doing anything to them which amounts to, or results in, a manufacture, or(iii)being goods specified in entries 1 to 3 in Part A of Schedule II and in entries 1 to 6 in Part B of Schedule II without doing anything to them which takes them out of the description thereof in those entries,and the word "resell" shall be construed accordingly;(27)"rules" means rules made under this Act;(28)"sale" means a sale of goods made within the State, for cash or deferred payment or other valuable consideration, and includes any supply by a society or club or an association to its members on payment of a price or of fees or subscription', but does not include a mortgage, hypothecation, charge or pledge, and the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions, shall be construed accordingly;Explanation. - For the purposes of this clause, sale within the State includes a sale determined to be inside the State in accordance with the principles formulated in sub-section (2) of section 4 of the Central Sales Tax Act, 1956 (LXX-IV of 1956);(29)"sale price" means the amount of valuable consideration paid or payable to a dealer for any sale made including any sum charged for anything done by the dealer in respect of the goods at the time of or before delivery thereof, other than the cost of insurance for transit or of installation when such cost is separately charged.(30)"Schedule" means a Schedule appended to this Act;(31)"the State" means the State of Gujarat;(32)"tax" means a sales tax, general sales tax, or purchase tax, payable under this Act;(33)"taxable goods" means goods other than those on the sale or purchase of which no tax is payable under section 5 or section 49 or a notification issued thereunder;(34)"Tribunal" means the Tribunal constituted under section 28;(35)"turnover of purchases" means the aggregate of the amounts of purchase price paid and payable by a dealer in respect of any purchase of goods made by him during a given period, after deducting the amount of purchase price, if any, refunded to the dealer by the seller in respect of any goods purchased from

the seller and returned to him within the prescribed period;(36)"turnover of sales" means the aggregate of the amounts of sale price received and receivable by a dealer in respect of any sale of goods made during a given period after deducting the amount of sale price, if any, refunded by the dealer to a purchaser, in respect of any goods purchased and returned by the purchaser within the prescribed period; and(37)"year" means-(i)in relation to any dealer who maintains regular books of accounts the year by reference to which the accounts are maintained by him; and(ii)in relation to any other dealer, a financial year:Provided that a Registered dealer shall not be entitled to vary the year by reference to which he maintains his books of accounts, except with the consent of the Commissioner and upon such conditions as the Commissioner may determine.

Chapter-III
Incidence and Levy of Tax

3. Incidence of tax. - (1) Every dealer whose turnover either of all sales or of all purchases, made during

(i)the year immediately preceding the year within which the appointed day falls,or(ii)the year commencing on the first day of the year within which the appointed day falls, has exceeded or exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act on his turnover of sales, and on his turnover of purchases, made on or after the appointed day:Provided that a dealer to whom sub-clause (i) does not apply but sub-clause (ii) applies and whose turnover either of all sales or of all purchases first exceeds the relevant limit specified in sub-section (4) after the appointed day shall not be liable to pay tax in respect of sales and purchases which take place upto the time when his turnover of sales, or his turnover of purchases as computed from the first day of the year in which the appointed day falls, first exceeds the relevant limit applicable to him under sub-section (4).(2)Every dealer whose turnover, either of all sales or of all purchases made during any year being a year subsequent to the year mentioned in sub-section (1), first exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect on and from the first day that year:Provided that the dealer shall not be liable to pay tax in respect of such sales and purchases as take place during the period commencing on the first day of any such year, upto the time when his turnover of sales or, turnover of purchases as computed from the said first day first exceeds the relevant limit applicable to him under sub-section (4).(3)Every dealer who has become liable to pay tax under this Act, shall continue to be so liable until his registration is duly cancelled; and upon such cancellation his liability to pay tax, other than tax already levied or leviable, shall, until his turnover of sales or turnover of purchases again first exceeds the relevant limit specified in sub-section (4), cease:Provided that where the dealer becomes liable to pay tax again in the same year in which he ceased to be liable as aforesaid, then, in respect of such sales and purchases as take place during the period commencing, on the date of the cessation of liability to tax upto the time when his turnover of sales or of purchases first exceeds the relevant limit applicable to him under sub-section (4), no tax shall be payable.(4)For the purposes of this section, the limits of turnover shall be as follows:-(i)Limit of turnover Rs. 20,000.(a)in the case of a dealer, who is an importer, and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods brought by him into the State or dispatched to hurt from outside the State during the year exceeds Rs. 3,000; or(b)in the case of a dealer (other than the one to whom item (a) of clause (ii) applies), who is a manufacturer or who gathers any goods other than

agricultural produce as a dealer and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods manufactured by him or of any taxable goods other than agricultural produce gathered by him during the year exceeds Rs. 3,000.(ii)Limit of turnover Rs. 30,000.(a)in the case of a dealer of special category, as specified in sub-section (5), who is a manufacturer or who gathers any goods other than agricultural produce as a dealer and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods manufactured by him or of such goods other than agricultural produce gathered by him during the year exceeds Rs. 3,000; or(b)in case of a dealer to whom neither clause (i) nor item (a) of this clause applies and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000.(5)For the purpose of sub-section (4) a dealer of special category means a dealer who belongs to any one or more of the following categories of dealers, namely: -(i)dealers who carry on business of conducting a printing press;(ii)dealers who manufacture footwear made by hand without using power at any stage;(iii)dealers who are engaged in the process of parching, roasting or salting (with or without adding turmeric) groundnut seeds or groundnut, cereals or pulses;(iv)dealers who carry on business of photography;(v)dealers who conduct an eating house, restaurant, hotel, refreshment room or boarding establishment or a shop or an establishment conducted primarily for the sale of farsan, sweetmeats bread, cakes, biscuits and pastries;(vi)such class of village artisans and craftsmen engaged in manufacture of products of village industries or handicrafts as the State Government may notify in the Official Gazette;(vii)any other class of small manufacturers or craftsmen or class of establishments which the State Government may notify in the Official Gazette,(6)For the purpose of calculating the limit of turnover for liability to tax:-(a)except as otherwise expressly provided, the turnover of all sales or, as the case may be, the turnover of all purchases, shall be taken whether such sales or purchases are taxable or not;(b)the turnover shall include all sales and purchases made by a dealer on his own account, and also on behalf of principals mentioned in his accounts; and(c)the value of packing material which is used in packing any goods specified in Schedule I and on which no tax is leviable under sub-section (1) of section 21 shall not be taken into account in computing the value of taxable goods under sub-section (4).

4. Liability of dealer registered under Act No. LXXIV of 1956 to pay tax. -

(1)Notwithstanding anything contained in section 3, a dealer who is registered under the Central Sales Tax Act, 1956 (LXXIV of 1956), but who is not liable to pay tax under the said section 3, shall nevertheless be liable to pay tax(a)on sales of goods in respect of the purchase of which he has furnished a declaration under sub-section (4) of section 8 of the Central Sales Tax Act, 1956, and(b)on sales of goods in the manufacture of which the goods so purchased have been used;and accordingly, the provisions of sections 7 to 13 (both inclusive) shall apply to such sales, as they apply to the sales made by a dealer liable to pay tax under section 3:Provided that the tax under this section shall not be payable if the seller shows to the satisfaction of the Commissioner that the purchaser of goods is a dealer registered under this Act and has furnished to such seller a certificate in the prescribed form declaring inter alia that the goods so sold to him are intended for resale by him or for use by him in the manufacture or processing of any goods for sale.(2)Every dealer who is liable to pay tax under sub-section (1) shall, for the purposes of sections 40, 41, 43, 44, 45, 46, 47, 56, 57 and 58 be deemed to be a Registered dealer.

5. Sales and purchases of certain goods free from all tax. - (1) Subject to the conditions or exceptions (if any) set out against each of the goods specified in column 3 of Schedule I, no tax shall be payable on the sales or purchases of any goods specified in that Schedule.

(2)The State Government may, by notification in the Official Gazette add to, or enlarge, any entry in Schedule I, or relax or omit any condition or exception specified therein; and thereupon, the said Schedule shall be deemed to be amended accordingly.(3)Every notification issued under sub-section (2) shall be laid for not less than thirty days before the State Legislature as Soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

6. Taxes payable by a dealer. - Subject to the provisions of this Act, and to any rules made thereunder there shall be paid by every dealer, who is liable to pay tax under this Act, the tax or taxes leviable in accordance with the provisions' of this Chapter.

7. Levy of sales tax on goods in Schedule II, Part A. - There shall be levied a sales tax on the turnover of sales of goods specified in Part A of Schedule II at the rate set out against each of them in column 3 thereof, but after deducting from such turnover,-

(i)resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16,(ii)resales of goods purchased by him from a Registered dealer,(iii)sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Recognised dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Recognised dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in sub-clause (B) and item (ii) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein, and(iv)sales of goods or resales of goods to which clauses (i) and (ii) do not apply, to a Licensed dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Licensed dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in item (i) of sub-clause (A) and item (i)(a) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein.

8. Levy of general sales tax on goods in Schedule II Part B. - There shall be levied a general sales tax on the turnover of sales of goods specified in Part B of Schedule II at the rate set out against each of them in column 3 thereof, but after deducting from such turnover,-,

(i)resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16.(ii)resales of goods, purchased from a Registered dealer by a dealer who is not a Licensed dealer at the time of such purchase, and(iii)sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Licensed dealer. Recognised dealer or to a Commission agent holding a permit, who purchases on behalf of a principal who is a Licensed dealer or a Recognised dealer, upon such dealer or Commission agent as the case may be furnishing, in the circumstances and subject to the conditions specified in section 13, a certificate as provided therein.

9. Restriction on levy of tax of declared goods. - In order to ensure that after the date of the coming into force of section 15 of the Central Sales Tax Act, 1956 (LXXIV of 1956), tax shall not be levied on the sales or purchases of declared goods at more than one stage, it is hereby provided that if under this Act, or any earlier law, any tax has been levied or is leviable on the sale or purchase of such goods, then no further tax shall be levied under this Act on any subsequent sale or purchase thereof; and accordingly, for the purpose of arriving at the taxable turnover of sales or purchases of a dealer, there shall be deducted from his total turnover of sales, or as the case may be, of purchases, the sales or purchases of such declared goods, as have borne tax at any earlier stage.

10. Levy of sales tax and general sales tax on goods specified in Schedule III. - (1) There shall be levied a sales tax on the turnover of sales of goods, specified in Schedule III at the rate set out against each of such goods in column 3 thereof, but after deducting from such turnover,-

(i)resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16.(ii)resales of goods purchased by him from a Registered dealer.(iii)sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Recognised dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Recognised dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in sub-clause (B) and item (ii) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein, and(iv)Sales of goods or resales of goods to which clauses (i) and (ii) do not apply, to, a Licensed dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Licensed dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in item (i) of sub-clause (A) and item (i)(a) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein.(2)There shall be levied a general sales tax on the turnover of sales of goods specified in Schedule III at the rate set out against each of such goods in column 4, thereof, but after deducting from such turnover,-(i)resales of goods purchased from a Registered dealer, by a dealer who is not a Licensed dealer at the time of such purchase; and(ii)sales of goods, or resales of goods to which clause (i) does not apply to a Licensed dealer, or Recognised dealer or to a Commission

agent holding a Permit who purchases on behalf of a principal who is a Licensed dealer or a Recognised dealer upon such dealer or Commission agent, as the case may be furnishing in the circumstances and subject to the conditions specified in section 13, a certificate as provided therein.

11. Exclusion or inclusion of Certain purchases for the purposes of deduction under section 7, 8 or 10. - For the purposes of deducting under section 7, 8 or 10, resales of goods purchased from a Registered dealer from the turnover of sales, the expression "goods purchased from a Registered dealer"-

(1) shall be construed so as not to include the following classes of purchases:- (a) a purchase of goods if the goods at the time of their purchase were the goods specified in Schedule I; (aa) a purchase of goods in respect of which no tax is payable under the proviso to sub-section (1) of section 4; (b) a purchase of goods from any person whose sale of such goods has been wholly exempted from payment of tax under section 49 or any notification issued thereunder; (c) a purchase of goods which is not liable to tax by virtue of the provisions of section 87, and (2) shall be construed so as to include the following classes of purchases:- (a) a purchase of goods after the appointed day from a Registered dealer, but not being purchases specified in sub-section (1); (b) a purchase of goods before the appointed day from a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), but not being the following classes of purchases; - (i) a purchase of any goods if the goods at the time of their purchase were the goods specified in Schedule A of the said Act; (ii) a purchase of any goods from any person whose sale of such goods had been wholly exempted from payment of tax under section 41 of the said Act; (iii) a purchase of any goods which was not liable to tax by virtue of the provisions of section 75 of the said Act; (iv) a purchase of any goods described in Part II of Schedule B, or Schedule D or Schedule E of the said Act by a dealer holding a Licence under section 23 of the said Act, on the date of such purchase. Provided that nothing in this sub-section shall be deemed to prevent the cancellation of any registration before the completion of one complete year in a case where any business in respect of which a certificate of registration has been issued under this section, has been discontinued or transferred before such completion.

12. Tax payable at a reduced rate on certain sales. - Where any dealer liable to pay tax under this Act, sells any taxable goods-

(1) to a Licensed dealer, who certifies in the prescribed form- (a) that the goods will be dispatched in the same form in which they were purchased and without doing anything to them which might amount to or result in a manufacture, thereof, within six months from the date of purchase, to his own place of business outside the State for sale or for use in the manufacture of goods for sale outside the State, and (b) that in respect of the said place of business he or his manager or agent at that place is a registered dealer under the Central Sales Tax Act, 1956 (LXXIV of 1956); (2) to a Commission agent holding a Permit who certifies in the prescribed form- (a) that he is registered under the Central Sales Tax Act, 1956 (LXXIV of 1956) and (b) that the goods are purchased by him as Commission agent for his principal who is (i) the Central Government and that the goods will be dispatched on behalf of such Government outside the State, or (ii) a dealer whose place of business is

outside the State and the is registered under the Central Sales Tax, Act, 1956 and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by the principal, or(iii)a Registered dealer having a place of business also outside the State and that such principal or his manager or agent is a registered dealer under the Central Sales Tax Act, 1956 (LXXIV of 1956) and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by such principal, and(c)that the goods will be dispatched outside the State within six months from the date of their purchase by the Commission agent,then, notwithstanding anything contained in section 7, 8 or 10, on such sale of goods to the Licensed dealer or, as the case may be, the Commission agent, the dealer shall be liable to pay a sales tax at the rate of Three paise in the rupee, or where a lesser rate is specified in any Schedule in respect of those goods at that lesser rate.

13. No deduction from turnover except on a certificate. - (1) There shall not be deducted from the turnover of sales, sales of good: to a Licensed dealer, Recognised dealer or to a Commission agent holding a permit purchasing on behalf of his principal, as, provided in sections 7, 8 and 10 unless-

(A)the Licensed dealer-(i)certifies in the prescribed form that the goods are purchased for resale in the course of inter-State trade or commerce, or in the course of export out of the territory of India, and that such goods will be so resold within twelve months from the date of such purchase by himself or by-another Licensed dealer to whom he resells the goods; or(ii)certifies in the prescribed form that the goods are intended-(a)for resale by him otherwise than in the course of inter-State trade or commerce or export out of the territory of India, or(b)for resale by him in the course of inter-State trade or commerce or export out of the territory of India, within twelve months from the date of such purchase, or(B)the Recognised dealer certifies in the prescribed form, that the goods other than prohibited goods sold to him are goods purchased by him for use by him as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale by him; or(C)the Commission agent certifies in the prescribed form that the goods are purchased on behalf of his principal who-(i)is a Licensed dealer-(a)and the goods will be resold either by the principal himself or by another Licensed dealer to whom that principal will sell the goods in the course of inter-State trade or commerce, or in the course of export out of the territory of India within twelve months from the date of their' purchase by the Commission agent, or(b)who will resell the goods-(i)otherwise than in the course of inter-State trade or commerce or export out of the territory of India, or(ii)in the course of inter-State trade or commerce or export out of the territory of India, within twelve months from the date of such purchase, or(ii)is a Recognised dealer, and the goods purchased being goods other than prohibited goods will be used by the principal as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale,and that the Commission agent will dispatch the goods to his principal or to the principal's order within three months from the date of their purchase by the Commission agent.(2)Where a Licensed dealer or a Commission agent has given a certificate as required by clause (A)(i) or as the case may be clause (C)(i)(a), of sub-section (1) and the goods specified in the certificate are sold to another Licensed dealer, the Licensed dealer, to whom the goods are sold shall, when he resells the goods send to the first mentioned Licensed dealer or, as the case may be, the Commission agent, a certificate in the prescribed form stating inter-alia whether goods were resold in the course of inter-State trade or

commerce or in the course of export out of the territory of India and the date on which the goods were so resold.

14. Commission agent to send copy of certificate to principal. - Where a Commission agent purchases any goods under a certificate given by him under section 12 or 13 he shall simultaneously send a copy of such certificate to his principal.

15. Purchase tax payable on Certain purchases of goods. - Where a dealer who is liable to pay tax under this Act purchases any goods specified in Schedule II or III from a person who is not a Registered dealer, then, unless the goods so purchased are resold by the dealer, there shall be levied, subject to the provisions of section 9,-

(i) in the case of goods specified in Schedule II, a purchase tax on the turnover of such purchases at the rate set out against them in that Schedule, and (ii) in the case of goods specified in Schedule III, a purchase tax on the turnover of such purchases at a rate equivalent to the rate of sales tax set out against them in that Schedule.

16. Liability to purchase tax for contravention of terms of certificates etc. - (1) Where any dealer or Commission agent has purchased any taxable goods under a certificate given by him under section 12 or 13, and

(a) contrary to such certificate, the goods are used for another purpose, or are not resold or dispatched in the manner and within the period certified, or (b) on the resale in the course of inter-State trade or commerce, of the goods so purchased, no tax under the Central Sales Tax Act, 1956 (LXXIV of 1956) is actually payable by him on account of any deduction admissible under any of the provisions of the said Act, then such dealer or Commission agent shall be liable to pay tax on the purchase price of the goods purchased under such certificate; and accordingly, he shall include the purchase price thereof in his turnover of purchases in his declaration or return under section 40 which he is to furnish next thereafter. (2) If, in respect of any transaction by a Commission agent made under a certificate given by him under section 12 or 13, the Commission agent - (a) purchases the goods at one rate, and passes them on to his principal at an increased rate (such increase not being by reason only of his commission or packing, carriage, freight or insurance of the goods and other reasonable charges incidental to their dispatch or charged according to trade practice), or (b) acts for a non-existent principal, the Commission agent shall be liable to pay purchase tax on the purchase price of the goods so purchased, and accordingly he shall include the purchase price in his turnover of purchases in his declaration or return under section 40 which he is to furnish next thereafter. (3) The purchase tax leviable under this section in respect of any goods specified in Schedule II or III shall be the aggregate of all taxes which would have been leviable thereon but for the certificate given under section 12 or 13. (4) If any question arises whether the purchase price of goods purchased under a certificate given under section 12 or 13 is not liable to be included in the

turnover of purchase's of a dealer or Commission agent under this section, the burden of so proving shall be upon such dealer, or as the case may be, the Commission agent.

17. Joint and several liability of Commission agent and principal in respect of goods purchased on behalf of principal. - (1) Where a Commission agent purchases any taxable goods on behalf of his principal, such Commission agent and his principal shall both be jointly and severally liable to pay the tax or taxes, if any, payable under section 15, 16 or 18 as the case may be and nothing in sections 15, 16 and 18 shall affect the liability of the principal under this section.

(2) If the Commission agent shows to the satisfaction of the Commissioner that the tax payable by him under section 15, 16 or 18 as the case may be in respect of any goods, has been paid by the principal on whose behalf the goods were purchased, the Commission agent shall not be liable to pay the tax again in respect of the same transaction.

18. Levy of sales tax of purchase tax on sugarcane. - (1) There shall be levied a sales tax or purchase tax on the turnover of sales or as the case may be, turnover of purchases, of sugarcane sold or purchased for such purposes and at such rate not exceeding ten paise in the rupee and at such one stage as the State Government may, by notification in the Official Gazette, specify; and the seller or purchaser, as the case may be, shall be liable to pay tax on such turnover notwithstanding anything contained in section 3.

(2) Every person who is liable to pay tax under sub-section (1) shall, unless he is already a registered dealer, be deemed to be a registered dealer for the purposes of sections 40, 41, 47, 57 and 58 and a dealer for the purposes of sections 43, 44, 45, 46 and 56.

19. Liability to pay tax on sale or purchase in contravention of notion 18. - (1) Where sugarcane purchased for a purpose other than a purpose specified in the notification issued under section 18 is used for a purpose specified in such notification, the purchaser shall be liable to pay the tax leviable under section 18 on the purchase price of the sugarcane so purchased and used.

(2) If the Commissioner has reason to believe that any person has incurred liability to pay tax under sub-section (1), he shall serve on the purchaser a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which the purchaser relies in connection with his liability under this section or to produce such evidence, as is specified in the notice. On the date specified in the notice or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess to the best of

his judgment, the amount of tax due from him.

20. Liability to purchase tax on certain stocks of goods. - (1) Where a dealer, liable to pay tax under this Act,-

(a)dies, or(b)transfers or otherwise disposes of his business, or effects any change in the ownership thereof, or(c)is a firm, company, society or other association of persons, or a trust, which is dissolved, liquidated, wound up, or revoked, or(d)is a Hindu undivided family, and the family is partitioned, or(e)discontinues his business,and the stock of goods held by such dealer immediately before the death, transfer, disposal, change, dissolution, liquidation, winding up, revocation, partition or discontinuance, as the case may be, includes-(i)taxable goods purchased by him from a person who is not a Registered dealer, or(ii)taxable goods purchased by him on a certificate given by him under section 12 or 13 or on a certificate given by him under section 49.then there shall be levied a purchase tax on the purchase price of such taxable goods at the relevant rate of purchase tax applicable thereto, as if the dealer had become, liable to pay purchase tax on such goods under section 15, 16 or 50 as the case may be:Provided that, where the business carried on-by such dealer is continued after such death, transfer, disposal, change, dissolution, liquidation, winding up, revocation or partition, as the case may be, and the person carrying on such business shows to the satisfaction of the Commissioner that,-(a)any taxable goods referred to in sub-clause (i) have been resold, or(b)any taxable goods referred to in sub-clause (ii) have been used for the purpose certified or, as the case may be, resold or dispatched in the manner and within the period certified,then in respect of such goods, no purchase tax shall be levied under this section.(2)Where the certificate of registration issued to a dealer is cancelled on the ground, that in the previous year his turnover of purchases or his turnover of sales did not exceed the relevant limit applicable to him under sub-section (4) of section 3 and the stock of goods held by him immediately before such cancellation includes taxable goods purchased by him on a certificate given under section 12, 13 or 49, there shall be levied on the purchase price of such goods a purchase tax which shall be calculated at the relevant rate of purchase tax applicable thereto under section 15 or under sub-section (3) of section 16, or as the case may be, under section 50:

21. Rate of tax on packing materials. - Notwithstanding anything contained in sections 7, 8, 10, 15 and 16-

(1)where goods packed in any materials are sold or purchased, the materials in-which the goods are so packed shall be deemed to have been sold or purchased along-with the goods and the tax shall be leviable on such sale or purchase of the materials at the rate of tax, if any, as applicable to the sales, or as the case may be, purchases of the goods themselves;(2)where any packing material is purchased on a certificate under section 13 for resale as packing material but is used in packing any tax-free goods and the goods so packed are sold, then in respect of the material in which the goods are so packed, the tax shall be leviable on the sale of such packing material at the rate applicable thereto under the relevant Schedule, as if the material were sold separately.

22. Commission agent liable to tax for sales on behalf of principal. - (1)

Where a Commission agent sells any taxable goods on behalf of his principal, such Commission agent and his principal shall both be jointly and severally liable to pay the tax or-taxes on the turnover of such sales under section 6.

(2) If the principal, on whose behalf the Commission agent has sold goods, shows to the satisfaction of the Commissioner that the tax has been paid by his Commission agent on such goods under sub-section (1), the principal shall not be liable to pay the tax again in respect of the same transaction.

23. Power to reduce rate of tax and to amend Schedules. - (1) The State Government may by notification in the Official Gazette reduce any rate of tax specified in Schedule II or III in respect of any entry (or part thereof) in the said Schedules; and may, by like notification,-

(a) omit or amend any entry (or part thereof) in the said Schedules but not so as to enhance the rate of tax in any case; (b) transpose any entry (or part thereof) from one of the said Schedules to another; (c) transpose any entry (or part thereof) from Part A to Part B of Schedule II or vice versa: and thereupon, the Schedule shall be deemed to have been amended accordingly. (2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

24. No deductions under sections 7, 8 and 10 in certain cases. - Where any entry (or part thereof) in any Schedule is transposed to any other Schedule or any entry (or part thereof) is transposed from Part A to Part B of Schedule II or vice-versa, and as a result of such transposition and on account of the deductions permitted under sections 7, 8 and 10, no tax on any sale or purchase of the goods specified in that entry (or part thereof) be leviable, then notwithstanding anything contained in those sections, the deductions provided in clause (ii) of section 7, or clause (ii) of section 8 or as the case may be, clause (ii) of sub-section (1) of section 10 or clause (i) of sub-section (2) of that section, shall not apply to the resale of those goods.

25. Liability of firm. - Notwithstanding any contract to the contrary, where any firm is liable to pay tax under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment:

Provided that, where any such partner retires from the firm he shall intimate the date of his retirement to the Commissioner by a notice in that behalf in writing and he shall be liable to pay the tax and the penalty (if any) remaining unpaid at the time of his retirement and any tax due up to the date of retirement though un-assessed at that date: Provided further that where no such intimation is given within fifteen days from the date of retirement the liability of the partner under the first proviso shall continue until the date on which such intimation is received by the Commissioner.

26. Special provision relating liability to pay tax in certain cases. - (1) Where a person who is or has been a dealer, liable to pay tax under this Act, dies, then,

(a) if the business carried on by the dealer is continued after his death by his legal representative or any other person, such legal representative or other person, shall be liable to pay the tax including any penalty due from such dealer under this Act or under any earlier law and (b) if the business carried on by the dealer is discontinued, whether before or after his death, his legal representative shall be liable to pay out of the estate of the deceased, to the extent to which the estate is capable of meeting the charge, the tax (including any penalty) due from such dealer under this Act or under any earlier law, whether such tax (including any penalty) has been assessed before his death but has remained unpaid or is assessed after his death. (2) Where a dealer, liable to pay tax under this Act, is a Hindu undivided family, and the joint family property is partitioned amongst the various members or groups of members then each member or group of members shall be jointly and severally liable to pay the tax (including any penalty) due from the dealer under this Act or under any earlier law up to the time of the partition whether such tax (including any penalty) has been assessed before partition but has remained unpaid or is assessed after partition. (3) Where a dealer, liable to pay tax under this Act, is a firm, and the firm is dissolved, then every person who was a partner shall be jointly and severally liable to pay to the extent to which he is liable under section 25, the tax (including any penalty) due from the firm under this Act or under any earlier law, up to the time of dissolution, whether such tax (including any penalty) has been assessed before such dissolution but has remained unpaid, or is assessed after dissolution. (4) Where a dealer, liable to pay tax under this Act, transfers his business in whole or in part, by sale, lease, licence, hire or in any other manner whatsoever, the dealer and the person to whom the business is transferred shall jointly and severally be liable to pay the tax (including any penalty) due from the dealer under this Act or under any earlier law up to the time of such transfer, whether such tax (including any penalty) has been assessed before such transfer, but has remained unpaid or is assessed thereafter. (5) Where the dealer liable to pay tax under this Act, - (a) is the guardian of a ward on whose behalf the business is carried on by the guardian, or (b) is a trustee who carries on the business under a trust for a beneficiary, then, if the guardianship or trust is terminated, the ward or, as the case may be, the beneficiary shall be liable to pay the tax (including any penalty) due from the dealer up to the time of the termination of the guardianship or trust, whether such tax (including any penalty) has been

assessed before the termination of the guardianship or trust but has remained Unpaid or is assessed thereafter.(6)Where & person becomes liable to pay tax in the manner described in clause (a) of sub-section (1) or in sub-section (4), then, such person shall, notwithstanding anything contained in section 3, be liable to pay tax on the sales or purchases of goods made by him on and after the date of such succession or transfer and shall (unless he already holds a certificate of registration) within thirty days thereof apply for registration:Provided that, where such person resells any goods purchased by the dealer while carrying on business before such succession or transfer he shall be entitled to such deductions in respect thereof as are permissible under section 7, 8 or 10, as the case may be, had the resale been effected by the dealer-himself.

Chapter-IIISales Tax Authorities and Tribunal

27. Sales Tax Authorities. - (1) For carrying out the purposes of this Act, the State Government shall appoint an officer to be called the Commissioner of Sales Tax.

(2)to assist the Commissioner in the execution of his functions under this Act, the State Government may appoint Additional Commissioners of Sales Tax (if any), and such number of,-(a)Deputy Commissioners,(b)Assistant Commissioners,(c)Sales Tax Officers, and(d)other officers and persons, and give them such designations (if any), as, the State Government thinks necessary.(3)The Commissioner shall have jurisdiction over the whole of the State of Gujarat; and an Additional Commissioner of Sales Tax, if any be appointed, shall have jurisdiction over the whole of the State or where the State Government so directs, over any local area thereof. All other officers shall have jurisdiction over the whole of the State or over such local areas as the State Government may specify.(4)The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act, and an Additional Commissioner, if any be appointed, shall, save as otherwise directed by the State Government, have and exercise within his jurisdiction all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act.(5)A Deputy Commissioner shall have and exercise in the area within his jurisdiction all the powers, and shall perform all the duties, conferred or imposed on the Commissioner, by or under this Act; but the Commissioner may, by order published in the Official Gazette, direct that any Deputy Commissioner, or all Deputy Commissioners generally, shall not exercise such powers or perform such duties as are specified in the order, and thereupon such Deputy Commissioner or, as the case may be, all Deputy Commissioners, shall cease to exercise those powers and perform those duties. The Commissioner may in like manner revoke any such direction and thereupon the powers or duties exercisable or performable by such Deputy Commissioner or, as the case may be, all Deputy Commissioners before such direction was issued, shall be restored to him or them.(6)Assistant Commissioners, Sales Tax Officers and other Officers shall within their jurisdiction exercise such of the powers and perform such of the duties of the Commissioner under this Act, as the Commissioner may, subject to such conditions and restrictions as the State Government may by general or special order impose, by order in writing delegate to them either generally or as respects any particular matter or class of matters.(7)The State Government may, subject to such restrictions and conditions. (if any), as it may impose by notification in the Official Gazette, delegate to the Commissioner the powers (not being powers relating to the appointment of Additional Commissioners or Deputy Commissioners), conferred on

the State Government by sub-sections (2) and (3).(8)All officers and persons appointed under sub-section (2) shall be subordinate to the Commissioner; and the subordination of officers (other than the Commissioner), and of persons amongst themselves shall be such as may be prescribed.

28. Tribunal. - (1) The State Government shall constitute a Tribunal consisting of as many members as it thinks fit to discharge the functions conferred on the, Tribunal by or under this Act.

(2)The State Government shall appoint one of the members of the Tribunal to be the President thereof.(3)The qualifications of the members constituting the Tribunal shall be such as may be prescribed and a member shall hold office for such period as the State Government may fix in his case.(4)The State Government may terminate the appointment of any member of the Tribunal before the expiry of the term of his office if such member-(a)is adjudged an insolvent, or(b)engages during his term of office in any paid employment outside the duties of his office, or(c)is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member, or(d)is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or(e)is convicted of an offence involving moral turpitude.(5)Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.(6)The functions of the Tribunal may be discharged by one or more Benches thereof constituted in accordance with the regulations made under sub-section (9).(7)if the members of the Tribunal or a Bench thereof are divided, the decision shall be the decision of the majority, if there be a majority; but if the members are equally divided they shall state the point or points on which they differ, and the case shall be referred by the President of the Tribunal for hearing on such point or points to one or more of the other members of the Tribunal; and such point or points shall be decided according to the majority of the members of the Tribunal who heard the case including those who first heard it.(8)Subject to such conditions and limitations as may be prescribed the Tribunal shall have power to award costs and the amount of such costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.(9)Subject to the previous sanction of the State Government the Tribunal shall, for the purpose of regulating its procedure (including the place or places at which the Tribunal or the Benches thereof shall sit) and the disposal of its business, make regulations consistent with the provisions of this Act and the rules.(10)The regulations made under sub-section (9) shall be published in the Official Gazette.

Chapter-IV Registrations, Licences, Recognitions and Permits

29. Registration. - (1) No dealer shall, while being liable to pay tax under section 3 or under sub-section (6) of section 26, carry on business as a dealer, unless he possesses a valid certificate of registration as provided by this Act.

Provided that the provisions of this sub-section shall not be deemed to have been contravened if the dealer having applied for such registration as in this section provided, within the prescribed time or, as the case may be, within the period specified in sub-section (5) of section 26, carries on such

business.(2)Every dealer, required by sub-section (1) to possess a certificate of registration, shall apply in the prescribed manner to the prescribed authority.(3)If the prescribed authority is satisfied that an application for registration is in order, it shall register the applicant and issue to him a certificate of registration in the prescribed form.(4)The prescribed authority may, after considering any information furnished under any provisions of this Act or otherwise received, amend, from time to time, any certificate of registration.(5)When any dealer has been subjected or is liable to be subjected to a penalty under section 45, or is convicted under section 75 or has compounded an offence under section 81 in respect of any contravention of sub-section (1) the prescribed authority shall register such dealer, if such dealer is not a registered dealer, and issue to him a certificate of registration, and such registration shall take effect from the date of the issue of the certificate in every respect as if it had been issued under sub-section (3) on the dealer's application.(6)If any person upon an application made by him has been registered as a dealer under this section, and thereafter it is found that he ought not to have been so registered under the provisions of this section, either because he is not a dealer or because he is not liable to pay tax, he shall be liable to pay tax on his sales or purchases made during the period commencing on the date on which his registration certificate took effect and ending with its cancellation, notwithstanding that he may not be liable to pay tax under the provisions of this Act.(7)Where-(a)any business, in respect of which a certificate of registration has been issued under this section, has been discontinued or transferred, or(b)neither the turnover of sales nor the turnover of purchases of a dealer has during the preceding year exceeded the relevant limit specified in sub-section (4) of section 3, and the dealer applies in the prescribed manner for cancellation of his registration, the prescribed authority shall cancel the registration with effect from such date as it may fix in accordance with the rules:Provided that, where the Commissioner is satisfied that any business in respect of which a certificate has been issued under this section, has been discontinued and the dealer has failed to apply as aforesaid for cancellation of registration, the Commissioner may, after giving the dealer a reasonable opportunity of being heard, cancel the registration with effect from such date as he may fix to be the date from which the business has been discontinued:Provided further that, the cancellation of a certificate of registration on an application the dealer or otherwise, shall not affect the liability of the dealer to pay the tax (including any penalty) due for any period prior to the date of cancellation whether such tax (including any penalty) is assessed before the date of cancellation but remains unpaid, or is assessed thereafter or his liability to pay tax as provided in section 20.

30. Voluntary Registration of dealers. - (1) If on the application of any dealer having a fixed or regular place of business in the State, for registration under this section, the authority prescribed for the purpose of section 29 is satisfied that his gross turnover of sales or purchases during a year has exceeded or is likely to exceed Rs. 5,000, the said authority, may, notwithstanding that the dealer may not be liable to pay tax under section 3, register the dealer and grant him a certificate of registration in the prescribed manner.

(2)The provisions of sub-sections (3) and (4) and clause (a) of sub-section (7) of section 29 shall apply in respect of applications for registration under this section.(3)Every dealer who has been

registered upon application made under this section shall, so long as his registration remains in force, be liable to pay tax under this Act, notwithstanding anything contained in section 3.(4)The registration of a dealer upon application made under this section shall be in force for a period of not less than one complete year and shall remain in force thereafter unless cancelled under the provisions of this Act.(5)Subject to the provisions of sub-section (4) a dealer registered upon application made under this section may apply in prescribed manner not less than two months before the end of a year to the authority which granted him the certificate of registration for the cancellation of such registration to take effect at the end of the year in which the application for such cancellation is made and the said authority shall, unless the dealer is liable to pay tax under section 3, cancel the registration accordingly.

30A. Fresh registration of dealer.-

(1)Every registered dealer who holds, on the date of commencement of the Gujarat Sales Tax (Second Amendment) Act, 1976 (hereinafter referred to as "the specified date"), a valid certificate of registration issued or deemed to have been issued (hereinafter referred to as "the existing certificate of registration") shall obtain a fresh certificate of registration as provided in this section, in lieu of the existing certificate of registration.(2)Every dealer required by sub-section (1) to obtain a fresh certificate of registration shall apply in the prescribed manner and within such period from the specified date as may be prescribed to the authority prescribed for the purpose of section 29 and such application shall be accompanied by the existing certificate of registration together with all additional copies thereof, if any, issued to him.(3)On receipt of such application, the prescribed authority shall, subject to the provisions of this Act, issue to the applicant a fresh certificate of registration in the prescribed form and thereupon all the provisions of this Act in respect of a certificate of registration shall, so far as may be, apply to such fresh certificate of registration, and references to a certificate of registration in any licence, recognition, permit or other document granted to the applicant shall be construed as references to the fresh certificate of registration issued to him.(4)Where any dealer fails to make an application required to be made by him under sub-section (2), the Commissioner may impose upon such dealer by way of penalty, a sum not exceeding five hundred rupees for every day after the expiry of the period prescribed under sub-section (2) for making such application during which such default continues.(5)A dealer who has presented his existing certificate of registration to the prescribed authority under sub-section (2) shall not be deemed to have ceased to be in possession of the existing certificate of registration until a fresh certificate of registration is issued to him under sub-section (3).

31. Licence. - Where, during the previous or current year-

(a)the turnover of sales by a Registered dealer to other Registered dealers, or(b)the turnover of sales of a Registered dealer, of goods which are exported by him from the State outside the territory of India, or dispatched by him from the State to any place in India outside the State.exceeds thirty thousand rupees, he may apply for a Licence to the Commissioner. Subject to the provisions of section 34, the Commissioner shall if the dealer satisfies such further requirements (including the furnishing of adequate security) as may be prescribed, issue to him a Licence in such form, and subject to such conditions, as may be prescribed.Explanation. - Where a Registered dealer has,

during the year immediately preceding the year within which the appointed day falls or the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) and the turnover of sales made by him during any such year to other dealers registered under that Act, or the turnover of sales made by him during any such year of goods which were exported or dispatched by him to a destination referred to in clause (b) had exceeded thirty thousand rupees, he may also apply under this section for a Licence to the Commissioner and the Commissioner shall issue to him a Licence in the manner aforesaid.

32. Recognitions. - Where during the previous or current year, the value of all taxable goods manufactured for sale by a dealer registered under section 29 or by a dealer registered under section 30, whose turnover of sales or purchases has subsequently, exceeded the limits specified in sub-section (4) of section 3, exceeds Rs. 3,000, such dealer may apply for Recognition to the Commissioner. Subject to the provisions of section 34, the Commissioner shall issue to him a Recognition in such form, and on such conditions, as may be prescribed.

Explanation. - Where a Registered dealer has, during the year immediately preceding the year within which the appointed day falls or the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) and the value of all taxable goods manufactured in any such year for sale by him had exceeded Rs. 3,000, he may also apply for a Recognition to the Commissioner and the Commissioner shall issue to him a Recognition in the manner aforesaid.

33. Permits. - A Registered dealer, who bona fide buys for an agreed commission any goods on behalf of a principal mentioned in his account in respect of each transaction and whose turnover of such purchases during the previous year or Current year exceeds thirty thousand rupees, may apply for a Permit to the Commissioner, Subject to the provisions of section 34, the Commissioner shall issue to him a Permit in such form, and subject to such conditions, as may be prescribed.

Explanation. - Where a Registered dealer has, during the year immediately preceding the year within which the appointed day falls or the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) and who bona fide bought for an agreed commission any goods on behalf of a principal mentioned in his account in respect of each transaction and whose turnover of such purchases has exceeded thirty thousand rupees in any such year, he may also apply under this section for a Permit, to the Commissioner and the Commissioner may issue to him a Permit in the manner aforesaid.

34. Commissioner may refuse Licence etc. - The Commissioner may refuse to grant a Licence or Recognition or as the case may be, Permit to a dealer under any of the following circumstances, that is to say,-

(a)if a Licence, Recognition or, as the case may be, Permit previously granted under this Act or a Licence, Authorization, Recognition, or as the case may be, Permit granted under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), to such dealer, has been cancelled in the circumstances other than those referred to in sub-section (1) of section 35,(b)if the dealer's Licence, or Recognition, or as the case may be. Permit has been suspended and the period of suspension has not expired,(c)if the dealer-(i)has failed to pay any tax (including any penalty) due from him by or under any provisions of this Act, or any earlier law; or(ii)has failed, without sufficient cause, to furnish any declaration or return required to be furnished by or under the provisions of this Act (other than the provisions of section 61), or any earlier law; or(iii)is an undischarged insolvent; or(iv)has been convicted of an offence under this Act or any earlier law,(d)if the dealer is a firm, and any partner thereof is a person,-(i)whose Licence, Authorization, Recognition or Permit has been cancelled in the circumstances referred to in clause (a), or(ii)to whom a Licence, Recognition or Permit, was previously refused to the circumstances referred to in clause (c).

35. Cancellation or suspension of Licence etc. - (1) If-

(a)the registration of a Licensed dealer. Recognised dealer or Commission agent holding a Permit is cancelled; or(b)in any year,-(i)the turnover of sales of a Licensed dealer or as the case may be, the turnover of purchases of a Commission agent holding a Permit fails to exceed the amount requisite for the grant of a Licence, or Permit, or(ii)the value of taxable goods manufactured for sale by a Recognised dealer fails to exceed the amount requisite for the grant of a Recognition; or(c)the Licensed dealer. Recognised dealer or Commission agent holding a Permit does not wish to continue to have a Licence, Recognition or Permit,then, in the circumstances stated-(i)in clause (a), the dealer shall forthwith.(ii)in clause (b), the dealer shall within thirty days from the end of such year, and(iii)in clause (c), the dealer may at any time,present his Licence, Recognition or Permit to the Commissioner for cancellation, and the Commissioner shall cancel the Licence, Recognition or, as the case may be, Permit; and accordingly, in the circumstances stated in clause (a) the Licence, Recognition or Permit shall stand cancelled from the date of the cancellation of the registration, and in any other case it shall cease to have effect from the date of presentation for cancellation.(2)If a Licensed dealer. Recognised dealer or Commission agent holding a Permit-(a)fails to pay any tax (including any penalty) due from him under any provisions of this Act, or of any earlier law, or(b)contravenes or has contravened any provisions of this Act or the rules or any conditions of his Licence, Recognition or Permit, or(c)becomes an insolvent, or(d)has been convicted of an offence under this Act, or any earlier law,the Commissioner may, after giving the Licensed dealer, or Recognised dealer or as the case may be, Commission agent a reasonable opportunity of being heard, suspend the Licence or. Recognition or as the case may be, Permit, for such period as he thinks fit or cancel it.

36. Substitution of Licence under Bombay Sales Tax Act, 1959 by a fresh Licence. - (1) Every Registered dealer whose Licence issued under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) (hereinafter in this section referred to as the existing Licence) is deemed to be a Licence under clause (b) of sub-section (2) of section 88 of this Act, shall obtain from the Commissioner, a fresh Licence.

(2) An application for the purpose of obtaining a fresh Licence under sub-section (1) shall be made by a dealer in the prescribed form and within the prescribed period, to the Commissioner and such application shall be accompanied by a copy of the existing Licence. The dealer shall produce the Licence held by him, together with the additional copies thereof, if any, which were issued to him, before the Commissioner when he is asked to do so. (3) On receipt of such application, the Commissioner shall, subject to the provisions of this Act, grant a fresh Licence to such dealer and endorse the fact of such grant of fresh Licence on the existing Licence and on the additional copies thereof, if any, produced before him: Provided that where the existing Licence was issued on the dealer's furnishing any security, the dealer shall be liable to furnish fresh security in accordance with the rules for obtaining a fresh Licence under this section. (4) Where the dealer fails to make an application required to be made under sub-section (2), the existing Licence shall stand cancelled from the date of the expiry of the period prescribed under sub-section (2) and the dealer shall forthwith present the same to the Commissioner for cancellation.

37. Non-transfer ability of Registration, licence, etc. - Save as otherwise provided in section 39, a certificate of registration, Licence, Recognition or Permit shall be personal to the dealer to whom it is granted, and shall not be transferable.

38. Information to be furnished regarding change in business, etc. - If any dealer liable to pay tax under this Act-

(a) transfers his business, in whole or in part, by sale, lease, leave or licence, hire or in any other manner whatsoever, or otherwise disposes of his business or any part thereof, or effects or knows of any other change in the ownership of the business, or (b) discontinues his business or, changes the place thereof or opens a new place of business, or (c) changes the name of his business, or (d) enters into a partnership or other association in regard to his business, he shall, within the prescribed time, inform the prescribed authority accordingly; and where any such dealer dies, his executor, administrator or other legal representative, or where any such dealer is a firm and there is a change in the constitution of the firm or the firm is dissolved, every person who was a partner thereof, shall, in like manner, inform the said authority of such death, change in the constitution or as the case may be, dissolution.

39. Certificate of registration Licence etc., to continue in certain circumstance. - Where a Registered dealer-

(a) effects a change in the name of his business, or (b) is a firm, and there is a change in the constitution of the firm without dissolution thereof, or (c) is a trustee of a trust, and there is change in the trustees thereof, or (d) is a guardian of a ward, and there is a change in the guardian, or (e) is a Hindu undivided family and the business of such family is converted into a partnership business with all or any of the coparcener as partners thereof, then, merely by reason of any of the circumstances aforesaid, it shall not be necessary for the dealer, or the firm with the changed constitution, or the new trustees, or new guardian or as the case may be, the partners of such partnership business, to apply for a fresh certificate of registration and on information being furnished in the manner required by section 38, the certificate of registration shall be amended; and any Licence, Recognition or Permit granted to the Registered dealer prior to any such change as is mentioned aforesaid shall, subject to the provisions of section 35, also continue to be valid, as also any certificates given under section 12 or 13 under such Licence, Recognition or Permit.

Chapter-V Declarations, Returns, Assessments, Payments, Penalty and Recovery and Refund of Tax

40. Declarations and Returns. - (1) Every Registered dealer shall furnish declarations or returns for such period, by such dates, and to such authority, as may be prescribed:

Provided that the Commissioner may, subject to such terms and conditions as may be prescribed, exempt any such dealer from furnishing such declarations or returns or permit any such dealer, - (a) to furnish them for such different periods, or (b) to furnish a consolidated declaration or return relating to all or any of the places of business of the dealer in the State for the said period, or for such different period, to such authority, as he may direct. (2) If the Commissioner has reason to believe - (a) that the turnover of sales or the turnover of purchases of any dealer is likely to exceed the relevant limit specified in sub-section (4) of section 3 for liability to pay tax, or (b) that either the turnover of sales or the turnover of purchases of any dealer has during any year exceeded - (i) Rs. 15,000 in the case of a dealer who is an importer or manufacturer other than a dealer of special category specified in sub-section (5) of section 3, or (ii) Rs. 25,000 in the case of any other dealer, he may, by notice served in the prescribed manner, require such dealer to furnish declarations or returns as if he were a Registered dealer; but no tax shall be payable by such dealer, unless his turnover exceeds the relevant limit specified in sub-section (4) of section 3, nor otherwise than in accordance with the other provisions of this Act. (3) If any dealer having furnished declarations or returns under sub-section (1) or (2), discovers any omission or incorrect statement therein, he may furnish a revised declaration or return before the expiry of three months next following the last date prescribed for furnishing the original declaration or return.

41. Assessments of taxes. - (1) The amount of tax due from a Registered dealer shall be assessed separately for each year during which he is liable to pay the tax or, on an application by any such dealer to that effect, for such period exceeding one year during which he is so liable as is specified in the application:

Provided that when such dealer fails to furnish any declaration or return relating to any period of any year by the prescribed date, the Commissioner may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year; Provided further that the Commissioner may subject to such conditions as may be prescribed, and for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year. (2) If the Commissioner is satisfied that the declarations or returns furnished in respect of any period are correct and complete, he shall assess the amount of tax due from the dealer on the basis of such declarations or returns. (3) If the Commissioner is not satisfied that the declarations or returns furnished in respect of any period are correct and complete, and he thinks it necessary to require the presence of the dealer or the production of further evidence, he shall serve on such dealer in the prescribed manner a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which such dealer relies in support of his declarations or returns, or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess the amount of tax due from the dealer. (4) If a dealer fails to comply with the terms of any notice issued under sub-section (3), the Commissioner shall assess, to the best of his judgment, the amount of tax due from him. (5) If a dealer does not furnish declarations or returns in respect of any period by the prescribed date, the Commissioner, shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax (if any) due from him. (6) If the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration within time as required by section 29, the Commissioner shall, after giving him a notice in the prescribed form for a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax (if any) due from the dealer in respect of such period, and any period subsequent thereto. (7) Notwithstanding anything contained in this section, if a dealer liable to pay tax has not employed regularly any method of accounting or if in the opinion of the Commissioner, assessment cannot be made properly on the basis of the accounts maintained by a dealer, the Commissioner shall assess to the best of his judgment, the amount of tax due from such dealer. (8) Any assessment made under this section shall be without prejudice to any penalty, or prosecution for an offence, under this Act.

42. Time limit for Completion of assessment. - (1)(a) No order of assessment for a year or part of a year shall be made under sub-section (3) or (4) of section 41 at any time after the expiry of three years from the end of the year in which the last monthly, quarterly or as the case may be, annual return is filed.

(b)Where the Commissioner issues a notice under sub-section (6) of section 41 to any dealer for assessment of tax in respect of any period, no order of assessment shall be made for such part of the period, if any, as is prior to:-(i)a period of eight years ending on the last date of the year immediately preceding the year in which such notice is issued, in a case where the Commissions has reason to believe that such dealer has failed to apply for registration with intention to defraud Government revenue; and(ii)a period of four years ending on the last date as aforesaid, in any other case:Provided that for the purpose of this section if it is considered necessary so to do, the State Government may, subject to such conditions as it may deem fit, and the Commissioner may, subject to such conditions as may be prescribed, by a general or special order, stay, either generally or for a specified period, the assessment proceedings of a dealer or class of dealers:Provided further that in computing the period of limitation for the purposes of this section, any period during which assessment proceedings are stayed under the first proviso or by an order or injunction of any court or authority shall be excluded:Provided further that where a fresh assessment is required to be made in pursuance of any order under section 65, 67 or 69 or in pursuance of any order of any court or authority such fresh assessment shall be made at any time within three years from the date of such order.(2)Nothing in sub-section (i) shall apply to any assessment proceedings (including any notice issued) pending immediately before the appointed day.

43. Applicability of the Act of earlier by to other person liable to pay tax. - Where in respect of any tax (including any penalty) due from a dealer under this Act or under any earlier law, any other person is liable for the payment thereof under any provisions of this Act or earlier law, all the relevant provisions of this Act or, as the case may be, of the earlier law, shall in respect of such liability apply to such person also, as if he were the dealer himself.

44. Reassessment of turnover escaping assessment. - If the Commissioner has reason to believe that any turnover of sales or turnover of purchases of any goods chargeable to tax under this Act has not been assessed in respect of any period in an order of assessment made under section 41, then the Commissioner may-

(a)where he has reason to believe that the dealer has concealed such sales or purchases or any material particulars relating thereto, or has knowingly furnished incorrect declarations or returns, at any time within eight years, and(b)in any other case, at any time within five years,of the end of the period to which such turnover relates, serve on the dealer liable to pay tax in respect of such turnover, a notice containing all or any of the requisitions which may be included in a notice in the prescribed manner and assess, not later than three years from the date of service of the notice, the amount of tax due from such dealer to the best of his judgment:Provided that the amount of tax shall be assessed at the rates at which it would have been liable to tax had there been no escapement of assessment but after making deductions (if any) permitted from time to time by or under this Act:Provided further that where in respect of such assessment, proceedings are pending in appeal or

revision, the appropriate appellate or revisional authority under this Act may, on its own motion or on the report of the Commissioner after giving the dealer concerned a reasonable opportunity of being heard, pass such order as it deems fit: Provided further that the provisions of all the provisos to sub-section (1) of section 42 shall mutatis-mutandis apply to assessment proceedings under this section.

45. Imposition of penalty in Certain cases and bar to prosecution. - (1) Where, any dealer or Commission agent becomes liable to pay purchase tax under the provisions of sub-section (1) or (2) of section 16, then, the Commissioner may impose on him, in addition to any tax payable,-

(a) if he has included the purchase price of the goods in his turnover of purchases as required by sub-section (1) of section 16, a sum by way of penalty not exceeding half the amount of tax, and (b) if he has not so included the purchase price as aforesaid, a sum by way of penalty not exceeding twice the amount of tax. (2) If, while assessing the amount of tax due from a dealer under section 41, it appears to the Commissioner that such dealer- (a) has failed to apply for registration as required by section 29, or (b) has without reasonable cause, failed to comply with the notice under section 41, or, (c) has concealed the particulars of any transaction or deliberately furnished inaccurate particulars of any transaction liable to tax, the Commissioner may impose upon the dealer by way of penalty, in addition to any tax assessed under section 41, a sum not exceeding one and one-half times the amount of the tax. (3) If a dealer fails to present his Licence, Recognition or as the case may be. Permit for cancellation as required by section 35 or 36, the Commissioner may impose upon the dealer by way of penalty, a sum not exceeding two thousand rupees. (4) If a dealer fails without sufficient cause to furnish any declaration or any return as required by section 40, the Commissioner may impose upon the dealer by way of penalty, a sum not exceeding two thousand rupees. (5) Where in the case of a dealer the amount of tax- (a) assessed for any period under section 19, 41 or 50; or (b) reassessed for any period under section 44, exceeds the amount of tax already paid under sub-section (1), (2) or (3) of section 47 by the dealer in respect of such period by more than twenty per cent, of the amount of tax so paid, the dealer shall be deemed to have failed to pay the tax to the extent of the difference between the amount so assessed or reassessed as aforesaid and the amount paid. (6) Where under sub-section (5), a dealer is deemed to have failed to pay the tax to the extent mentioned in the said sub-section, there shall be levied on such dealer, a penalty of such amount as is equivalent to the amount of simple interest for the period commencing on the date of expiry of the time prescribed for payment of tax under sub-section (1), (2) or (3) of section 47 and ending on the date of assessment or, as the case may be, reassessment, at the rate of twenty-four per cent, per annum on the amount of tax equivalent to such difference or any less amount remaining unpaid during such period: Provided that where in assessing the amount of tax from any dealer under section 19, 41 or 50 in respect of any period, the time taken for making an order of assessment exceeds eighteen months from the date of expiry of the time prescribed for the payment of tax under sub-section (1), (2) or (3) of section 47, the Commissioner shall estimate the amount of penalty payable by the dealer for the period between the date of expiry of the said period of eighteen months and the date of payment of tax specified in the notice under sub-section (4) of section 47 in respect of the amount of tax falling under sub-clause (ii) of clause (a) of the said sub-section; Provided

further that where the Commissioner is satisfied that the difference between the amount payable as assessed or reassessed and the amount paid has taken place on account of some reasonable cause, he may remit the whole or part of the penalty, payable in respect of any period by any dealer.(7)Wherever any person without sufficient cause, to furnish any information required by section 38, the Commissioner may by an order in writing impose upon the dealer by way of penalty a sum not exceeding two thousands rupees,(8)if any, dealer contravenes the provisions of section 57 the Commissioner may, direct him to pay by way of penalty a sum not exceeding ten percent of the amount of the bill or cash memorandum in respect of which such contravention has been made.(9)If the Commissioner has reason to believe that any person is liable to a penalty under any of the provisions of this section, he shall serve on him a notice requiring him on a date and at a place specified in the notice to attend and to show cause why a penalty as provided in such, provision should not be imposed on him.(10)The Commissioner shall thereupon hold an inquiry, and shall make such order as he thinks fit.

46. Imposition of penalty for contravention of Certain provisions. - (1) If any person collects any amount by way of tax in contravention of the provisions of section 56, he shall be liable to pay, in addition to any tax for which he may be liable,

(i) a penalty equal to such amount as shall not be less than the amount so collected or more than double such amount, in a case where the Commissioner has reason to believe that such person has willfully contravened the provision of section 56, and(ii) a penalty equal to the amount so collected, in any other case.(2)If any person being a dealer liable to pay tax under this Act or being a dealer who was required to do so by the Commissioner by notice served on him, fails to maintain accounts in the manner specified in sub-section (1) of section 58, or fails when directed to do so under that section to keep any accounts or record in accordance with the direction, he shall be liable to pay in addition to any tax for which he may be liable, a penalty of the amount not exceeding two thousand rupees or double the amount of tax which would have been, payable had there been no such contravention, whichever is less.(3)If the Commissioner, in the course of any proceedings, under this Act or otherwise, has reason to believe that any person has become liable to a penalty under sub-section (1) or (2), he shall serve on such person a notice requiring, him on a date and at a place specified in the notice to attend and to show cause why a penalty as provided in sub-section (1) or (2) should not be imposed on him.(4)The Commissioner shall thereupon hold an inquiry, and shall make such order as he thinks fit.

47. Payment of tax, etc. - (1) Tax shall be paid in manner provided, and at such intervals as may be prescribed.

(2)A Registered dealer furnishing declarations or returns as required by sub-section (1) of section 40, shall first pay into a Government treasury, in the manner prescribed the whole amount of tax due from him according to such declaration or return along with the amount of any penalty payable by him under section 45.(3)A Registered dealer furnishing a revised declaration or revised return in accordance with sub-section (3) of section 40 which revised declaration or revised return shows that

a larger amount of tax than already paid is payable, shall first pay into a Government treasury the extra amount of tax.(4)(a)The amount of tax-(i)due where declarations or returns have been furnished without full payment therefor, or(ii)assessed or re-assessed for any period under section 41 or section 44 less any sum already paid by the dealer in respect of such period, or assessed under section 19 or 50, and(b)the amount of penalty (if any) levied under section 45 or 46,shall be paid by the dealer or the person liable therefor into a Government treasury by such date as may be specified in a notice issued by the Commissioner for this, purpose, being a date not earlier than thirty days from the date of service of the notice:Provided that the Commissioner or an appellate authority in an appeal under section 65 may, in respect of any particular dealer or person, and for reasons to be recorded in writing, extend the date of payment, or allow him to pay the tax or penalty (if any) by installments.(4-A) If a dealer does not pay any amount of tax within the time presented for its payment under sub-section (1), (2) or (3) on or before the date specified in a notice issued under sub-section (4) in respect of the amount of tax falling under sub-clause (ii) of clause (a) thereof, there shall be paid by such dealer for the period commencing on the date of expiry of the aforesaid prescribed time or the specified date and ending on the date of payment of the amount of tax, simple interest at the rate of twenty-four percent, per annum on the amount of tax not so paid or on any less amount thereof remaining unpaid during such period:Provided that where a penalty is levied under sub-section (6) of section 45 in respect of the difference and the period referred to in that sub-section, no interest shall be payable under this sub-section on such difference for such period.(5)Any tax or penalty which remains unpaid after the date specified in the notice for payment, or after the extended date of payment, and any instalment not duly paid, shall be recoverable as an arrear of land revenue.(6)The State Government may, by general or special order published in the Official Gazette, authorise any officer not below the rank of a Sales Tax Officer, to exercise, for the purpose of effecting recovery of the amount of tax or penalty due from any dealer or person under this Act or under an earlier law, the powers of a Collector under the Bombay Land Revenue Code, 1879 (Bom. V of 1879) to recover arrears of land revenue.

48. Special mode of recovery. - Notwithstanding anything contained in any Law or contract to the contrary, the Commissioner may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Commissioner, require-

(a)any person from whom any amount of money is due, or may become due, to a dealer and on short notice has been served under sub-section (4) of section 47, or(b)any person who holds or may subsequently hold money for or on account of such dealer,to pay to the Commissioner, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by the dealer in respect of the arrears of tax and penalty, or the whole of the money when it is equal to or less than that amount.Explanation. - For the purpose of this section, the amount of money due to a dealer from, or money held for or on account of a dealer by, any person, shall be calculated after deducting therefrom such claims (if any), lawfully subsisting, as may have fallen due for payment by such dealer to such person.The Commissioner may at any time, or from time to time, amend or revoke any such notice, or extend the time for

making any payment in pursuance of the noticeAny person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer, and the receipt of the Commissioner shall constitute a good and sufficient discharge of the liability of such person, to the extent of the amount referred to in the receipt.Any person discharging any liability to the dealer after receipt of the notice referred to in this section, shall be personally liable to the Commissioner to the extent of the liability discharged, or to the extent of the liability of the dealer for tax and penalty, whichever is less.Where a person to whom a notice under this section is sent objects to it, by a statement in writing that the sum demanded or any part, thereof is not due or payable to the dealer or that the amount held for or on account of the dealer is under genuine dispute, the Commissioner shall hold an enquiry and after giving a reasonable opportunity of being heard to such person and the dealer, shall make such order as he thinks fit.Any amount of money which a person is required to pay to the Commissioner, or for which he is personally liable to the Commissioner under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue.

49. Exemptions. - (1) Subject to the conditions or exemptions, if any, specified in relation to them, the following classes of sales or purchases shall be exempt from the payment of the whole of tax payable under the provisions of this Act, namely:-

(i)Sales to the Canteen Stores Department (India) of goods certified by it as being intended for being sold directly or through Canteens to members of the Armed Forces of India at any place whether in Gujarat State or outside it;(ii)Sales by the Canteen Stores Department (India) to the Unit Canteens run by officers of the Armed Forces of India, of goods which are intended for being sold to members of the Armed Forces of India;(iii)Sales by unit Canteens run by officers of the Armed Forces of India, of goods obtained by such Unit Canteens from the Canteen Stores Department (India), to members of the Armed Forces of India;(iv)Sales of goods by the Canteen Stores Department (India) to members of the Armed Forces of India;(v)Sales to branches or depots of the Military Farms Department (India) situated in the State of Gujarat, of milk products including cream, butter, ghee, and khoa (except buttermilk, curds, lass and chakka, and sweetmeats including shrikhand, basudi and dudhpak), certified by the officers in charge of the said branches or depots as being intended for being supplied directly or through the parent farms conducted by the said department anywhere in India, to the members of the Armed Forces of India;(vi)Sales of goods to the offices and agencies of the United Nations Organisation specified hereunder, if the purchasing office or agency furnishes to the selling dealer a certificate in the prescribed form declaring inter alia that the goods are purchased for official use of such office or agency, namely:-(1)The United Nations World Health Organisation;(2)The United Nations Children's Fund;(3)The United Nations Information's Centre;(4)The United Nations Technical Assistance Board;(5)The United Nations Military Observers Group in India and Pakistan;(6)The International Labour Office;(7)The United Nations Food and Agriculture Organisation;(8)The United Nations Educational Scientific and Cultural Organisation;(vii)Sales of goods to the duly accredited representatives of CARE India (Co-operative for American Relief Everywhere, Incorporated), if the accredited representative furnishes to the selling dealer a certificate in the prescribed form declaring inter alia that the goods are purchased by

CARE India for distribution in India free of cost.(2)Subject to such conditions, as it may impose, the State Government may, if it considers it necessary so to do in the public, interest, by notification in, the Official Gazette, exempt any specified in of sales or purchases from payment of the whole or any part of any tax payable under the provisions of this Act.(3)Every notification issued under sub-section (2) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and Shall the upon take effect.

50. Liability to pay tax in event of breach of condition of exemption. - (1) If any specified class of sales or purchases is exempted under section 49 from the whole or any part of any tax payable under this Act subject to any condition, then in the event of a areas of such condition, in respect of any goods so sold or purchased, the setter or purchaser responsible for such bleach shall notwithstanding anything contained in section 3, be liable to pay tax on such sale or purchase, as the case may be. To the extent to which it was exempted under section 49 from the payment of tax.

(2)If the Commissioner has reason to believe that the seller or purchase, as the case way be, has incurred liability to pay tax under sub-section (1), he shall serve on the seller or purchaser, as the cage may be, a notice requiring him on a date and a place specified therein, either to attend and produce or cause to be produced all evidence on which such person relies in connection with his liability under this section or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess to the best of his judgment, the amount of tax due from him within a period of not more than four years from the date on which the breach concerned has come to the notice of the Commissioner:Provided that the provisions of all the provisos to sub-section (1) of section 42 shall mutatis- mutandis apply to assessment proceedings under this section.

51. Drawback, set off, refund etc. - The State Government may by rules provide, that-

(a)in such circumstances and subject to such conditions as may be specified in the rules a drawback, set off, or refund, of the whole or any part of the tax-(i)paid or levied or leviable under the Bombay Sales Lax Act, 1959 (Bom. LI of 1959) in respect of any learn by sales or purchases of goods which are held in stock by a dealer on the appointed day, be granted to such dealer, or(ii)paid or levied or leviable in, respect of any earlier sale or purchase of goods under this Act or the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), be granted to the purchasing dealer;(b)for the purpose of the levy of tax under any of the provisions' of this Act the sale price or purchase price shall; in the case of any class of sales or purchases, be reduced to such extent, and in such manner, as may be specified he the

rules.

52. Refund of excess payment. - The Commissioner shall refund to a person the amount of tax and penalty (if any) paid by such person in excess of the amount due from him. The refund may be either by cash payment or, at the option of the person by deduction of such excess from the amount of tax and penalty due in respect of any other period:

Provided that the Commissioner shall first apply such excess towards the recovery of any amount due in respect of which, a notice under sub-section (4) of section 47 or under the relevant provisions of the earlier law has been issued, and shall then refund the balance (if any).

53. Refund of tax on declared goods in the course of inter State trade or commerce. - Where any declared goods are sold, by a dealer in the course of inter-State trade or commerce, and such dealer shows to the satisfaction of the Commissioner that a tax under this Act, or any earlier law has been levied, in respect of any earlier sale or purchase of such goods made in the State after the date of the coming into force of section 15 of the Central Sales Tax Act, 1956 (LXXIV of 1956), then an amount equal to the tax so levied shall be refunded to such dealer in such manner, and subject to such conditions, as may be prescribed.

54. Interest on delayed refunds. - (1) Where an amount required to be refunded by the Commissioner to any person by virtue of an order issued after the appointed day is not so refunded to him within ninety days of the date of the order, the State Government shall pay to such person simple interest at four and half per cent per annum on the said, amount from the date immediately following the expiry of the period of ninety days to the date of the refund:

Provided that no interest shall be payable where an appeal or revision application is filed or where an application has been made to the Tribunal to refer to the High Court any question of law. Explanation 1. - If the delay in granting the refund within the period of ninety days aforesaid is attributable to the dealer, whether wholly or in part, the period of the delay attributable to him shall be excluded from the period for which interest is payable. Explanation 2. - In case of an order relating to refund passed on appeal or in revision, the period of ninety days shall be calculated from the date of the receipt of such order by the Sales Tax Officer. (2) Where any question arises as to the period to be excluded for the purposes of calculation of interest under the provisions of this section, such question shall be determined by the Commissioner whose decision shall be final.

55. Remission of taxes. - (1) Subject to such conditions as it may impose the State Government may, if it is necessary so to do in the public interest or to grant concession in case of double taxation or to redress an inequitable situation, remit by an order either generally or specially, the whole or any part of the taxes payable in respect of any period by any dealer or a class of dealers or of any specified class of sales or purchases.

(2)The Commissioner may, in such circumstances and subject to such conditions and limits as may be prescribed, remit the whole or any part of the tax payable, in respect of any period, by any dealer.

56. Prohibition against collection of tax in certain cases. - (1) No person shall collect any sum by way of tax in respect of sale of any goods on which by virtue of section 5 or section 49 or a notification issued thereunder no tax is payable.

(2)No person selling any goods shall collect from the purchaser any amount by way of tax unless such person is a registered dealer and is liable to pay the tax in respect of such sale.(3)Subject to sub-sections (1) and (2), no dealer shall collect any amount by way of tax in excess of the amount of tax payable by him under the provisions of this Act in respect of any transaction:Provided that sub-sections (2) and (3) shall not apply where a person is required to collect such amount of the tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

57. Memorandum of sales or purchases. - If-

(a)a Registered dealer sells goods to another Registered dealer, or(b)a Registered dealer whose turnover of sales has exceeded sixty thousand rupees in the previous year, sells in the current year any goods exceeding five rupees in value in any one transaction to any other person.he shall issue to the purchaser a bill or cash memorandum serially numbered, signed and dated by him or his servant, manager or agent, and showing therein such other particulars as may be prescribed. He shall keep a counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from the date of sale.Chapter-VILiability to produce accounts and supply information

58. Accounts. - (1) Every dealer liable to pay tax under this Act, and every other dealer who is required so to do by the Commissioner by notice served on him in the prescribed manner, shall maintain regularly in the course of his business correct and complete books of accounts.

(2)If the Commissioner considers that the accounts kept are not sufficiently clear or intelligible to enable him to determine whether or not a dealer is liable to pay tax during any period, or are so kept

as not to enable a proper scrutiny of the declarations, returns or the statements furnished, the Commissioner may require such dealer by notice in writing to keep such accounts (including records of sales or purchases) in such form or manner as in his opinion is necessary for the purpose of proper assessment and as he may, subject to anything that may be prescribed in that behalf, in writing direct. (3) The Commissioner may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer or by notification in the Official Gazette direct any class of dealers, to maintain accounts and records showing such particulars regarding their purchases, sales or deliveries of goods, in such form, and in such manner, as may be specified by him.

59. Production and inspection of accounts and documents and Search of premises. - (1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer to produce before him any accounts or documents, or to furnish any information relating to stocks of goods of, or to sales, purchases and deliveries of goods by, the dealer or any other information relating to his business, as may be necessary for the purposes of this Act.

(2) All accounts, registers and documents relating to stocks of goods of, or to purchases, sales and deliveries of goods by, any dealer and all goods kept in any place of business of any dealer, shall at all reasonable times be open to inspection by the Commissioner, and the Commissioner may take or cause to be taken such copies or extracts therefrom or may place or cause to be placed such marks of identifications thereon, as appear to him necessary for the purposes of this Act. (3) The Commissioner may, for the purposes of this Act, impound and retain in his custody for such period as he considers necessary any books of account or other documents produced before him in any proceeding under this Act. (4) If the Commissioner has reason to believe that any dealer has evaded or is attempting to evade the payment of any tax due from him he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same for so long as may be necessary, in connection with any proceeding under this Act or for a prosecution. (5) For the purposes of sub-section (2) or sub-section (4), the Commissioner may enter and search any place of business of any dealer, or any other place where the Commissioner has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business or stocks of goods relating to his business and may make a note or an inventory of any articles or things found in the course of any search which in his opinion will be useful for, or relevant to, any proceeding under this Act, or for a prosecution. (6) The provisions of the Code of Criminal Procedure, 1898 (V of 1898) relating to searches shall apply, so far as may be, to a search made under sub-section (5).

59A. Inspection of goods in transit, etc.

(1) If the State Government considers that with a view to preventing evasion of tax in any place or places in the State, it is necessary so to do, it may, by notification in the Official Gazette, direct that such number of checkpoints shall be set up or such number of barriers shall be ??? at such places as

may be specified in the notification.(2)At every check-post or barrier set up or erected under sub-section (1), the driver or any other person in charge of any vehicle, boat or animal shall stop the same, and keep it stationary so long as may reasonably be necessary, and allow the officer-in-charge of the check-post or barrier to search the vehicle or boat or on the animal and inspect all goods to the goods carried in the vehicle or boat or on the animal which are in the possession of such driver or other person in charge who shall, if so required, give his name and address and the names and addresses of the consignor of the vehicle, boat or animal as well as of the sender and consignee if such goods; and where any of the consignors or consignees is a dealer under this Act or the Central Sales Tax Act, 1956, the dealer or any other person in charge of the vehicle, boat or animal shall also give the name and place of issue of the certificate of registration, if any, of such dealer.(3)The driver or other person in charge of a vehicle, boat or animal carrying goods shall-(a)carry with him a log book, a bill of sale or delivery note and such other documents relating to the goods carried in the vehicle or boat or on the animal and containing such particulars as may be prescribed and the driver in charge of a transport vehicle shall, in addition, carry a goods vehicle record and a trip sheet;(b)produce the same when requested to do so by the officer-in-charge of the check-post or barrier;(c)give to the officer-in-charge of the check-post or barrier a declaration relating to particulars of the goods carried in the vehicle or boat or on the animal in such form as may be prescribed.(4)Where an officer-in-charge of a check-post or a barrier has reason to believe that the driver or other person in charge of a vehicle, boat or animal has not given true or correct information in any respect or that any of the particulars contained in any of the aforesaid documents is not true or correct he may ask the driver or other person in charge of such vehicle, boat or animal such questions as he thinks necessary to obtain true and correct information as far as possible in these respects and record the substance of his enquiries in such manner as he thinks fit.(5)All the documents received from the driver or other person in charge of the vehicle, boat or animal under sub-section (3) and the record of the substance of enquiries prepared under sub-section (4) shall be forwarded by the officer-in-charge of the check-post or barrier to the Sales Tax Officer concerned, and thereupon such Sales Tax Officer shall, if he has reason to believe that such evasion has taken place, take such action as he considers necessary to prevent the evasion of tax.(6)The aforesaid provisions of this section shall apply in respect of such animals, the sales or purchases of which are liable to tax and which are led by a person as if reference in the aforesaid provisions to a driver or person in charge of a vehicle, boat or animal carrying goods is a reference to the person leading the animal.Explanation:-In this section-(a)"goods vehicle record" means the documents required to be carried by the driver of a transport vehicle under the Motor Vehicles Act, 1939 (4 of 1939) or the rules made thereunder;(b)"log book" means a register, statement or other record containing particulars of the goods under transport;(c)"trip sheet" means a sheet or other document containing particulars relating to the trip wise use of a transport vehicle, required to be carried by the driver under the Act referred to in clause (a).

59B. Special powers for reconstitution of records in certain circumstance.-

(1)If the Commissioner is satisfied that any records pertaining to a dealer have been destroyed as a result of fire, flood, or earthquake or otherwise as a result of any natural or other calamity or event, he may, by notice in writing, require the dealer to attend before him on a date and at a place specified in the notice, or to produce to him any accounts or registers or documents or copies thereof or to furnish fresh returns or declarations under this Act or any earlier law for such period,

by such dates and to such authority as may be specified in the notice (being returns for a period for which the dealer has not yet been assessed), or to furnish true copies of or extracts from any documents already submitted to the Commissioner, on or before the date specified in the notice, or to furnish any other information relating to the business of the dealer as "may be" specified 'in the' notice, being information which the Commissioner considers necessary for facilitating the work of assessment (including-reassessment) or the collection of the tax from such dealer under this Act or under any earlier law.(2)Without prejudice to the generality of the powers conferred by sub-section (1), the Commissioner may require the dealer to produce for inspection or furnish copies of, or extracts from, all or any of the following, namely;-(a)application for the issue of a certificate of registration, licence, recognition or permit made under sections 29, 30, 30A, 31, 32 or 33 as the case may be;(b)certificate of registration, licence, recognition or permit granted to the dealer;(c)returns or declaration furnished by the dealer;(d)proof of payment of tax and penalty by the dealer;(e)a certified copy of the assessment order given to the dealer;(f)any notice of demand served on the dealer;(g)any declaration made under section 60;(h)specimen signatures furnished under rule 16 of the Gujarat Sales Tax Rules, 1970;(i)any nomination made under rule 17 of the said rules.(3)For securing compliance with any notice given under this section, the Commissioner shall have all the powers mentioned in sub-sections (2), (3), (4) and (5) of section 59.(4)Where any person is prosecuted for failure to comply with any requirement made of him under this section, the burden of proving that he had reasonable excuse for such failure shall be on him."

60. Dealer to declare the name of manager of his business. - Every dealer, who is liable to pay tax, and who is a Hindu undivided family, or an association or club or society or firm or company, or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall within the period prescribed send to the authority prescribed a declaration in the manner prescribed stating the name of the person or persons who shall be deemed to be the manager or managers of such dealer's business for the purposes of this Act. Such declaration may be revised from time to time.

61. Powers to Collect statistics. - (1) If the State Government considers that for the purposes of the better administration of this Act, it is necessary so to do, it may, by notification in the Official Gazette, direct that statistics be collected relating to any matter dealt with by or under this Act.

(2)Upon such direction being made, the State Government or any person authorised by it in this behalf may, by notification in the Official Gazette and by notice in any newspapers or in such other manner as in its or his opinion is best calculated to bring the notice to the attention of dealers, call upon all dealers or any class of dealers to furnish such information or returns as may be stated therein relating to any matter in respect of which statistics are to be collected. The form in which, the persons to whom or, the authorities to which such information or returns should be furnished, the particulars which they should contain, and the intervals at which such information or returns

should be furnished, shall be such as may be prescribed. Chapter-VII Proceedings

62. Determination of disputed questions. - (1) If any question arises, otherwise than in proceedings before a court, or proceedings under section 41 or 44, whether for the purposes of this Act-

(a) any person, society, club or association or any firm or any branch or department of any firm is a dealer, or (b) any particular thing done to any goods amounts to or results in the manufacture of goods within the meaning of that term, or (c) any transaction is a sale or purchase, or (d) any particular dealer is required to be registered, or (e) any tax is payable in respect of any particular sale or purchase or if tax is payable the rate thereof, the Commissioner shall make an order determining such question. (2) The Commissioner may direct that the determination shall not affect the liability of any person under this Act, as respects any sale or purchase effected prior to the determination. (3) If any such question arises from any order already passed under this Act or any earlier law, no such question shall be entertained for determination under this section; but such question may be raised in appeal against, or by way of revision of such order.

63. Power of Tribunal and Commissioner. - (1) In discharging their functions under this Act, the Tribunal and the Commissioner shall have all the powers of a Civil Court for the purpose of-

(a) proof of facts by affidavit; (b) summoning and enforcing the attendance of any person, and examining him on oath or affirmation; (c) compelling the production of documents; and (d) issuing commissions for the examination of witnesses. (2) In the case of any affidavit to be made for the purposes of this Act, any officer appointed by the Tribunal or the Commissioner, may administer the oath to the deponent.

64. Bar to certain proceedings. - Save as is provided by section 69, no assessment made and no order passed under this Act or the rules made thereunder by the Commissioner or any officer appointed to assist him shall be called in question in any Court and save as is provided by sections 65 and 67 no appeal or application for revision shall lie against any such assessment or order.

65. Appeals. - (1) An appeal from every original order, not being an order mentioned in section 66, passed under this Act or the rules made thereunder, shall lie-

(a) if the order is made by a Sales Tax Officer, or any other officer subordinate thereto, to the Assistant Commissioner; (b) if the order is made by an Assistant Commissioner, to the Commissioner; (c) if the order is made by a Deputy Commissioner, Additional Commissioner or

Commissioner, to the Tribunal.(2)In the case of an order passed in appeal by an Assistant Commissioner, a second appeal shall lie, at the option of the appellant, either to the Commissioner or to the Tribunal.(3)Subject to the provisions of section 71, no appeal shall be entertained unless it is filed within sixty days from the date of communication of the order appealed against.(4)No appeal against an order of assessment with or without penalty or against an order imposing penalty shall ordinarily be entertained by an appellate authority, unless such appeal is accompanied by satisfactory proof of payment of the tax with or without penalty or, as the case may be, of the payment of the penalty in respect of which an appeal has been preferred:Provided that an appellate authority may, if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order-(a)without payment of tax with penalty (if any) or as the case may be, of the penalty, or(b)on proof of payment of such smaller sum as it may consider reasonable, or(c)on the appellant furnishing in the prescribed manner security for such amount as the appellate authority may direct.(5)The Commissioner on receipt of notice that an appeal against the order passed in appeal by the Assistant Commissioner has been preferred by the other party to the Tribunal, may, within thirty days of the receipt of the notice, file a memorandum of cross-objections against any part of the order passed in appeal by the Assistant Commissioner and such memorandum shall be disposed of by the Tribunal as if it were an appeal.(6)Subject to such rules of procedure as may be prescribed, an appellate authority may pass such order on appeal as it deems just and proper.(7)Every order passed in appeal under this section shall, subject to the provisions of sections 67, 69 and 72, be final.

66. Non-appealable orders. - No appeal and no application for revision shall lie against,-

(1)a notice issued under this Act calling upon a dealer for assessment or asking a dealer to show cause as to why he should not be prosecuted for an offence under this Act, or(2)an order pertaining to the seizure or retention of account books, registers and other documents, or(3)an order sanctioning a prosecution under this Act, or(4)an order staying assessment proceedings under the first proviso to sub-section (1) of section 42.

67. Revision. - (1) Subject to the provisions of section 66 and to any rules which may be made in this behalf,-

(a)the Commissioner of his own motion within three years from the date of any order passed by any officer appointed under section 27 to assist him, may call for and examine the record of any such order and pass such order thereon as he thinks just and proper;(b)the Tribunal, on application made to it against an order of the Commissioner (not being an order passed under sub-section (2) of section 65 in second appeal) within four months from the date of the communication of the order, may call for and examine the record of any such order, and pass such order thereon as it thinks just and proper.(2)Where an appeal lies under section 65 and no appeal has been hied, no proceedings in revision under this section shall be entertained upon application.(3)No order shall be passed under this section which adversely affects any person, unless such person has been given reasonable opportunity of being heard.(4)If the Tribunal rejects any application for revision under this section, the Tribunal shall record the reasons for such rejection.

68. Court-fee on appeal and application for revision. - Notwithstanding anything contained in the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), an appeal preferred under section 65 and an application for revision made under section 67 shall bear a Court-fee stamp of such value as may be prescribed.

69. Statement of case to the High Court. - (1) Within ninety days from the date of the communication of the order of the Tribunal, passed in appeal or revision, being an order which affects the liability of any person to pay tax or penalty, or which affects the recovery from any person of any amount under section 48, that person, or the Commissioner, may by application in writing (accompanied, where the application is made by that person, by a fee of one hundred rupees) require the Tribunal to refer to the High Court any question of law arising out of such order; and where the Tribunal agrees, the Tribunal shall, as soon as may be after the receipt of such application, draw up a statement of the case and refer it to the High Court:

Provided that if in the exercise of its power under this sub-section the Tribunal refuses to state the case which it has been required to do on the ground that no question of law arises, that person, or as the case may be, the Commissioner may, within thirty days of such refusal either withdraw his application (and if he does so, any fee paid shall be refunded), or apply to the High Court against such refusal. (2) If upon receipt of an application under sub-section (1), the High Court is not satisfied as to the correctness of the decision of the Tribunal, it may require the Tribunal to state the case and refer it; and accordingly, on receipt of any such requisition, the Tribunal shall state the case and refer it to the High Court. (3) If the High Court is not satisfied that the statements in the case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein, as the High Court may direct in that behalf. (4) The High Court upon the hearing of any such case, shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly. (5) Where a reference is made to the High Court under this section, the costs including the disposal of the fee referred to in sub-section (1), shall be in the discretion of the Court. (6) The payment of the amount of the tax, if any, due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence thereof; but if such amount is reduced as a result of such reference, the excess tax paid shall be refunded in accordance with the provisions of section 52.

70. Application of section 4 and 12 of Limitation Act, 1963. - In computing the period laid down under sections 65, 67 and 69, the provisions of sections 4 and 12 of the Limitation Act, 1963 (63 of 1963) shall, so far as may be apply.

71. Extension of period of limitation in certain cases. - An appellate authority may admit any appeal or permit the filing of a memorandum of cross-objections under section 65 and the Tribunal may admit an application under section 67 or under section 69 after the period of limitation laid down in the said sections, if the appellant or the applicant satisfies the appellate authority or the Tribunal, as the case may be, that he had Sufficient cause for not preferring the appeal or filing a memorandum of cross-objections or making the application, within such period.

72. Rectification of Mistakes. - (1) The Commissioner may at any time within two years from the date of the communication of the order passed by him, to the person affected by such order, on his own motion, rectify any mistake of fact apparent from the record, and shall within a like period rectify any such mistake which has been brought to his notice by any person affected by such order:

Provided that, no such rectification shall be made if it has the effect of enhancing the tax or reducing the amount of a refund, unless the Commissioner has given notice in writing to such person of his intention to do so and has allowed such person a reasonable opportunity of being heard.(2)The provisions of sub-section (1) shall apply to the rectification of a mistake by the Tribunal or an appellate authority under section 65 as they apply to the rectification of a mistake by the Commissioner.(3)Where any such rectification has the effect of reducing the amount of the tax or penalty, the Commissioner shall, in the prescribed manner, refund any amount due to such person.(4)Where any such rectification has the effect of enhancing the amount of the tax or penalty or reducing the amount of refund, the Commissioner shall recover the amount due from such person in the manner provided for in section 47.

73. Transfer to defraud revenue void. - Where, during the pendency of any proceedings under this Act, any dealer liable to pay tax creates a charge on, or parts with the possession by way of sale, mortgage, exchange or any other mode of transfer whatsoever of, any of his property in favour of any other person with the intention of defrauding the Government revenue, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the dealer as a result of the completion of the said proceeding:

Provided that such charge or transfer shall not be void if made for valuable consideration and without notice of such proceeding.

74. Levy of fee on applications for copies of orders, documents and of fee for making copies. - (1) On every application-

(a)for a certified or duplicate copy of a certificate of Registration, Licence, Recognition or Permit, or(b)for a certified copy of an order of assessment or any other order passed or any document produced or filed in any proceeding under this Act, or(c)for the determination of any question under section 62,there shall be paid such fee in Court fee stamps as may be prescribed.(2)There shall be charged such fee in cash as may be prescribed for making and supplying a duplicate or certified copy of an order or document under this Act or the rules made thereunder and where any copy is required urgently, there shall be charged such extra fee as may be prescribed.(3)Where an application is made for a copy of any order or document, the applicant may be required to deposit in accordance with the rules made in this behalf such amount as may be necessary to cover the amount of fee chargeable under sub-section (2).Chapter-VIIIOffences and Penalties

75. Offences and Penalties. - (1) Whoever-

(a)carries on business as a dealer without being registered in contravention of section 29, or(b)knowingly furnishes a false declaration or a false return, or(c)not being a Registered dealer under section 29 or 30 falsely represents that he is or was a registered dealer at the time when he sells or buys any goods, or(d)not holding a Licence, Recognition or Permit represents at the time when he purchases or sells any goods that he holds as the case may be, a Licence, Recognition or Permit, or(e)gives a certificate under section 12 or 13 which he knows or has reasons to believe to be false, or(f)gives a certificate regarding compliance with any condition imposed under section 49 which he knows or has reason to believe to be false, or(g)fails when directed so to do under section 58 to keep any accounts or records in accordance with the direction, or(h)fails to comply with any requirement made of him under section 59, 59A or 59B, or(i)knowingly produces false accounts, registers or documents or knowingly furnishes incorrect information, or(j)obstructs any officer making an inspection or search or seizure under section 59 or section 59B, or(k)aids or abets any person in the commission of any acts specified in clauses (a) to (j),shall, on conviction, be punished with simple imprisonment which may extend to six months or with fine not exceeding two thousand rupees, or with both; and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.(2)Where a dealer is accused of an offence specified in clause (b), (d), (e), (f), (g), (h) or (i) of sub-section (1), the person deemed to be the manager of the business of such dealer under section 60 shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.(3)No prosecution for an offence under this Act shall be instituted in respect of the same facts on which a penalty has been imposed by the Commissioner under any provisions of this Act.

76. Disclosure of information by a public servant. - (1) All particulars contained in any statement made, declaration or return furnished or accounts or documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act, (other than proceedings before a Criminal Court), shall, save as provided in sub-section (3), be treated as confidential; and notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1972), no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any statement, declaration, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both. (3) Nothing contained in this section shall apply to the disclosure, - (a) of any such particulars in respect of any such statement, declaration, return, accounts, documents, evidence, affidavit or deposition for the purpose of any prosecution under the Indian Penal Code or the Prevention of Corruption Act, 1947 (XLV of 1860 II of 1947), or this Act; or (b) of any such particulars to the State Government or to any person acting in the execution of this Act, for the purposes of carrying out the object of this Act; or (c) of any such particulars when such disclosure is occasioned by the lawful employment under this Act, of any process for the service of any notice or the recovery of any demand; or (d) of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceeding under this Act; or (e) of any such particulars to any officer appointed to audit receipts or refunds of the tax imposed by this Act; or (f) of any such particulars where such particulars are relevant to any inquiry into the conduct of an official of the Sales Tax Department to any person or persons appointed as Commissioners under the Public Servants (Inquiries) Act, 1850 (XXX-VII of 1860), or to any officer otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution when exercising its functions in relation to any matter arising out of such inquiry; or (g) of such facts to an officer of the Central Government or a State Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it; or (h) of any such particulars, when such disclosure is occasioned by the lawful exercise by a public servant of his powers under the Bombay Stamp Act, 1958 (Bom. LX of 1958) or the Indian Stamp Act, 1899 (II of 1899), to impound an insufficiently stamped document; or (i) of any such particulars where such particulars are relevant to any inquiry into a charge of misconduct in connection with sales tax proceedings against a legal practitioner, sales tax practitioner or Chartered Accountant, to the authority empowered to take disciplinary action against members practicing the profession of a legal practitioner, sales tax practitioner or Chartered Accountant, as the case may be; or (j) of any such particulars to the Director, Bureau of Economics and Statistics or any officer serving under him or to any person or persons authorised under sub-section (2) of section 61 as may be necessary for enabling the Director or such person or persons to work out the incidence of tax on any commodity, or (k) of any such particulars to an officer of the Central Government or a State Government for the purpose of investigation or prosecution under any law

for the time being in force, as the State Government may direct in any specific case.

77. Disclosure of information required under section of and failure to furnish information or return under that action. - (1) No information of any individual return and no part of any individual return, with respect to any matter given for the purposes of section 61 shall, without the previous consent in writing of the owner for the time being or his authorised agent, be published in such manner as to enable any particulars to be identified as referring to a particular dealer and no such information shall be used for the purpose of any proceedings under the provisions of this Act.

(2) Except for the purposes of prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person who is not engaged in the collection of statistics under section 61 or in the administration of this Act shall be permitted to see or have access to any information or any individual return referred to in that section. (3) If any person required to furnish any information or return under section 61, - (a) willfully refuses or without lawful excuse neglects to furnish such information or return as may by that section be required, or (b) willfully furnishes or causes to be furnished any information or return which he knows to be false, he shall, on conviction, be punished with fine which may extend to one hundred rupees and in case of a continuing offence to a further fine which may extend to ten rupees for each day after the first day during which the offence continues. (4) If any person engaged in connection with the collection of statistics under section 61 willfully discloses any information or the contents of any return given or made under that section, otherwise than in execution of his duties Under that section or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), he shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

78. Offences by companies. - (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge of that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that

offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section, - (a) "company" means a body corporate, and includes a firm or other association of individuals; and (b) "director" in relation to a firm means a partner in the firm.

79. Cognizance at of offences. - (1) No Court shall take cognizance of any offence punishable under section 75, 76 or 77 or under any rules made under this Act, except with the previous sanction of the Commissioner.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Act or rules made thereunder shall be cognizable and bailable.

80. Investigation of offences. - (1) Subject to such conditions as may be prescribed, the Commissioner may authorise either generally or in respect of a particular case or class of cases any officer appointed under section 27 to assist him to investigate all or any of the offences punishable under this Act.

(2) Every officer so authorised shall, in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898 (V of 1898), upon an officer in charge of a police station for the investigation of a cognizable offence.

81. Compounding of offences. - (1) The Commissioner may, either before or after the institution of proceedings for any offence punishable under section 75 or under any rule, accept from any person charged with such offence by way of composition of the offence a sum not exceeding,

(i) two thousand rupees, where the offence charged is under clause (c), (h) or (k) of sub-section (1) of section 75 or under any rule; (ii) double the amount of tax which would have been payable on the sale, purchase or turnover to which the offence relates, where the offence charged is under any of the other clauses of sub-section (1) of section 75: Provided that where any such offence, whether referred to in clause (i) or (ii) is such as involves moral turpitude, the Commissioner may accept a sum not exceeding two thousand rupees or double the amount of tax which would have been payable on the sale, purchase or turnover to which such offence relates, whichever is greater. (2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence. Chapter-IX Miscellaneous

82. Powers to transfer proceedings. - The Commissioner may, after due notice to the parties, by order in writing transfer any proceedings or class of proceedings under any provision of this Act from himself to any other officer and he may likewise transfer any such proceedings (including a proceeding already transferred under this section) from one such officer to another or to

himself.

83. Appearance before any authority in proceedings. - (1) Any person who is entitled or required to attend before any authority in connection with any proceeding under this Act, may attend-

(a) by a person authorised by him in this behalf, being a relative or a person regularly employed by him, or (b) by a legal practitioner or Chartered Accountant, who is not disqualified by or under sub-section (2), or (c) by a sales tax practitioner who possesses the prescribed qualifications and whose name is entered in the list, which the Commissioner shall maintain in that behalf, and who is not disqualified by or under sub-section (2). (2) The Commissioner may, by order in writing and for reasons to be recorded therein, disqualify, for such period as is stated in the order, from attending before any such authority, any legal practitioner, Chartered Accountant or sales tax practitioner- (i) who has been removed or dismissed from Government service, or (ii) who being a legal practitioner or Chartered Accountant is found guilty of misconduct in connection with any proceedings under this Act by an authority empowered to take disciplinary action against the members of the profession to which he belongs, or (iii) who being a sales tax practitioner is found guilty of such misconduct by the Commissioner. (3) No order of disqualification shall be made in respect of any particular person unless he is given a reasonable opportunity of being heard. (4) Any person against whom any order of disqualification is made under this section may, within one month of the date of communication of such order, appeal to the Tribunal to have the order cancelled. (5) The order of the Commissioner shall not take effect until one month of the communication thereof or when an appeal is preferred until the appeal is decided. (6) The Commissioner may at any time suo motu or on an application made to him in this behalf, revoke any order made against any person under sub-section (2) and thereupon such person shall cease to be disqualified.

84. Persons appointed under section 27 and members of Tribunal to be public servants. - The Commissioner and all officers and persons appointed under section 27 to assist the Commissioner and all members of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XIV of 1860).

85. Indemnity. - No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

86. Power to make rules. - (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be

made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.(3)In making any rules under this section the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.(4)The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication:Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.(5)All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.(6)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

87. Certain sales and purchases not to be liable to tax. - Nothing in this Act or the rules made thereunder shall be deemed to impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place-

(i)in the course of inter-State trade or commerce, or(ii)outside the State, or(iii)in the course of the import of the goods into the territory of India or the export of the goods out of such territory.and the provisions of this Act and the said rules shall be read and construed accordingly.Explanation. - For the purpose of this section whether a sale or purchase takes place-(a)in the course of inter-State trade or commerce, or(b)outside the State, or(c)in the course of the import of the goods into territory of India or export of the goods out of such territory.shall be determined in accordance with the principles specified in sections 3, 4 and 5 of the Central Sales Tax Act, 1956 (LXXIV of 1955).

88. Repeal and savings. - (1) The Bombay Sales Tax Act, 1959 (Bom. LI of 1959) is hereby repealed.

(2)Notwithstanding the repeal of the Act referred to in sub-section (1) (hereinafter in this section referred to as the "said Act")-(a)all rules, regulations, orders, notifications, forms and notices issued under the said Act and in force immediately before the appointed day shall continue to have effect for the purposes of the levy, assessment, reassessment, collection, refund or set-off of any tax, or the granting of a drawback in respect thereof, or the imposition of any penalty, which levy, assessment, reassessment, collection, refund, set-off, drawback or penalty relates to any period before the appointed day or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid;(b)any registration certificate. Licence, Recognition or Permit issued under the said Act and in force immediately before the appointed day shall be deemed to be the registration certificate. Licence, Recognition, or as the case may be, Permit issued under this Act, and accordingly such registration certificate. Licence, Recognition or Permit shall be valid and effectual as a registration certificate, Licence, Recognition or, as the case may be. Permit under this Act until such certificate, Licence, Recognition, or as the case may be Permit is issued, substituted, suspended

or cancelled under the provisions of this Act;(c)any Authorisation issued under the said Act and in force immediately before the appointed day shall be deemed to be a Licence issued under this Act, but for such period only as may be prescribed from the appointed day or for a period ending on the date immediately preceding the date on which Licence is duly issued to the holder of such Authorisation, whichever period expires earlier;(d)any appointment, notification, order, rule, regulation, form or notice made or issued under the said Act shall, so far as it is not inconsistent with the provisions of this Act continue in force, and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, rule, regulation, form or notice made or issued under the provisions of this Act;(e)any person entitled to appear before any authority under the said Act shall be deemed to be entitled to appear before any authority under this Act, and accordingly if such person be a sales tax practitioner he shall be entitled to have his name entered in the list maintained under section 83.(3)Without prejudice to the provisions contained in sub-section (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 (Bom. of 1904) shall apply in relation to the repeal of the said Act as if the said Act had been an enactment within the meaning of the said section 7.

Schedule 1

(See section 5)Goods, the sale or purchase of which is free from all taxes.

Sr. No.	Description of goods	**Conditions and exceptions subject to which exemption is granted**
1	2	3
1	(a) Bread in any form.(b) Khari and butter biscuits.(c) Khakhra and Papad	* * *Except when sold in packets or scaled containers.* *
2	Cereals and pulses in all forms and flour thereof except maize flour.	Except when sold in sealed containers.
3	Cooked food (excluding ice-cream and Kulfi) and non-alcoholic drinks not containing ice-creams served at one time at a price of not more than two rupees per person, for consumption at or outside any eating house, restaurant, hotel, refreshment room or boarding establishment which is not a shop or establishment conducted primarily for the sale of sweet-meats, confectionery, cakes, biscuits or pastries.	Except when served out at any eating house, restaurant, hotel, refreshment room or boarding establishment at functions and parties.
4	Eggs.	* * *
5	Farsan, that is to say, eatables (other than sweet; preparations) prepared wholly or mainly from gram or other pulses or gram flour	* * *

or flour of other pulses and such preparations as the State Government may, by notification in the *Official Gazette*, specify for the purposes of this entry.

		* * *When sold for the purpose of being used as firewood. When sold by a gas supply company to a local authority for consumption by such local authority for the purposes of street lighting.
6	(a) Firewood and charcoal. Wood of <i>Limda</i> , <i>Pipla</i> , <i>Gando</i> (b) <i>Baval</i> and <i>Vadla</i> , sold in form other than firewood. (c) Coal gas.	
8	Fresh vegetables and edible tubers.	* * *
9	Meat (excluding flesh of poultry and of feathered game).	Except when sold in sealed containers,
10	(i) Milk, whole or separated or reconstituted. (ii) Butter-milk, curds and lassi and chakka.	* * * * *
11	Salt.	* * *
12	Vaccines, toxoids or sera.	* * *
13	Water (other than aerated, mineral, medicinal or tonic water).	* * *
14	Betel leaves and <i>pan</i> , <i>tambul</i> , <i>vida</i> , or <i>patti</i> prepared from betel leaves.	* * *
15	(i) Flowers (excluding artificial flowers). <i>Veni</i> , <i>gajra</i> , garlands and such other articles prepared from fresh flowers (excluding those of artificial flowers).	* * * * *
16	Fresh	* * *
17	Plantain leaves.	* * *
18	Wet dates known as <i>Khajur</i> or <i>Zahedi</i> or by any other name.	* * *
19	Agricultural implements (including <i>varat</i> and <i>varatadi</i>) worked or operated exclusively by human or animal agency exclusively used in agricultural operations and the parts thereof which are ordinarily not also used otherwise than as such parts.	* * *
20	Bullock carts and spare parts thereof.	* * *
21	Cattle-feed (other than mechanically produced cattle-feed) including fodder and concentrates but excluding cotton seeds, oil cakes and de-oiled cakes.	* * *
22	Cattle, sheep and goats.	* * *
23	Flower, fruit and vegetable seed; seeds of lucerne grass (<i>Rajka</i>) and of sann hemp; bulbs, tubers and plants other than orchids.	* * *

24	Manures (excluding chemical fertilizers, oil cakes amnd de-oiled cakes.)	* * *
25	Poultry feed.	* * *
26	Books and periodicals including almanacs, panchangs, exercise books, drawing books and examination answer books (but excluding catalogues, all publications which mainly publicist goods and articles for commercial purposes, race cards,account books, diaries, calendars and books containing space exceeding eight pages for writing).	* * *
27	Films certified by the State Government to be predominantly educational in nature.	* * *
28	States and state pencils; chalk-sticks and crayons; foot-rules; slide rules; lead pencils; mathematical instrument boxes and school colour boxes.	* * *
29	Agate (Akik) stones and articles made therefrom.	* * *
30	Charkha and other implements (and spare-parts thereof), used in the production of handspun yarn as may be specified by the State Government by notification in the Official Gazette.	* * *
31	Condoms and loops (intra uterine contraceptive devices), and other contraceptives as may be specified by the State Government by notification in the Official Gazette.	* * *
32	Handloom and parts thereof.	* * *
33	Handloom fabrics of all varieties when sold at a price less than five rupees per metre.	* * *
34	Patola sarees, scarves or other articles woven on handlooms by artisans engaged in patola industry.	When sold by a producer.
35	(a) Products of Village Industries as defined in the Khadi and Village Industries Commission Act, 1956.(b) Silk Khadi and ready made garments and other articles prepared from Khadi.(c) Cotton, silk or woollen yarn hands pun in India and articles knitted by hand from such yam or from a mixture of any two or all such yarns.Explanation. - For the purposes of this entry "Khadi" means any cloth woven on handloom in India from cotton, silk or woollen yam handspun in India or from the mixture of any two or all such yarns, and "Silk Khadi" swans cloth woven on handloom in India from silk yarn hand-spun in India.	1. When sold by a producer or a dealer certified for this purposeby the Commissioner in the manner prescribed.2. When sold by another dealer who has purchased the goods from aproducer or dealer certified under condition 1.

36	Pure silk kinkhab fabrics.Explanation. - (1) "Kinkhab fabrics" means handloom cloth inter woven with pure silk yarn and jari thread in which the design or patterns are made without the use of jacquard or dobbies or both.(2) "Pure silk fabrics" means cloth of which the content (excluding the jari thread content) is not less than (ii) per cent of pure silk.	When sold by a producer or a dealer certified for this purpose by the Commissioner.
37	Cotton fabrics as defined in Item No. 19 of the First Schedule to the Central Excises and Salt Act, 1944.	* * *
38	Electrical energy.	* * *
39	Motor spirit as defined in the Bombay Sales of Motor Spirit Taxation Act, 1958.	* * *
40	Rayon or artificial silk fabrics as defined in Item No. 22 of the First Schedule to the Central Excises and Salt Act, 1944.	* * *
41	Stamp-papers sold by vendors duly authorised under the provisions of the Bombay Stamp Act, 1958, or the Indian Stamp Act, 1899.	* * *
42	Sugar as defined in Item No. 1 of the First Schedule to the Central Excises and Salt Act, 1944.	* * *
43	Tobacco as defined in Item No. 4 of the First Schedule to the Central Excises and Salt Act, 1944.	* * *
44	Woollen fabrics as defined in Item No. 21 of the First Schedule to the Central Excises and Salt Act, 1944.	* * *
45	Glass bangles and ivory bangles (<i>chudas</i> and <i>chudis</i>) not ornamented in any manner.Explanation- Colouring of ivory bangles (<i>chudas</i> and <i>chudis</i>) shall not be considered as ornamentation.	* * *
46	<i>Kumkum</i> .	* * *
47	<i>Mangalsutra</i> sold at a price not exceeding rupees two hundred and fifty each.	* * *
48	Chillies, chilly powder, tamarind and turmeric, whole or powdered.	* * *
49	Coconut in shell and separated kernel of coconut other than <i>Copra</i> .	* * *
50	<i>Deshi Nalia</i> .	* * *
51	Readymade garments and articles (excluding hosiery goods and garments and articles to which entry 35 of this Schedule applies) prepared from any textile or handloom fabrics including those which have been embroidered or otherwise decorated sold at a price not exceeding ten rupees per article or suit.	* * *
52	Footwear made by hand without using power when sold at a price not exceeding fifteen rupees per pair.	* * *
53	<i>Gur</i> but not including <i>Kakavi</i> or <i>Kakab</i> or molasses.	* * *

Schedule 2

Part A

(See section 7) Goods, the sale or purchase of which is subject to sales tax or purchase tax and the rates of tax

Sr. No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
1	Coal including coke in all its forms	Three paise in the rupee	Three paise in the rupee
2	Cotton yarn, but not including cotton yarn waste.	Do	Do
3	Iron and steel, that is to say- (a) pig iron and iron scrap;(b) iron plates sold in the same form in which they are directly produced by the rolling mill;(c) steel scrap, steel ingots, steel billets, steel bars and rods;(d) (i) steel plates(ii) steel sheets(iii) steel Bars and tin bars(iv) rolled steel sections(v) tool alloy steel	Do	Do
4	Pure silk fabrics(not being silk <i>Khadi</i> to which entry 35 in Schedule I applies, of fabrics woven on handloom and sold at a price less than rupees five per meter or pile carpets, braids, borders,laces and trimmings). <i>Explanation.</i> -"Pura silk fabrics" means fabrics of which the content(excluding the <i>jari</i> thread content) is not less than percent of pure silk.	Do	Do
5	Agricultural machinery and implements (other than implements specified in entry 19 in Schedule I) exclusively used in agricultural operations and spare parts of such machinery and implements.	Three paise in the rupee	Three paise in the rupee
6	Artificial silk yarn including artificial silk yarn waste.	Do	Do
7	Chemical fertilizers	Do	Do
8	Cotton yarn waste and cotton waste	Do	Do

9	Dyes and chemicals other than those specified in any other entry in this or any other Schedule.	Do	Do
10	Furnace oil	Do	Do
11	Groundnut husks (<i>fotri</i>)	Do	Do
12	The following articles, that is to say- (i) gunny bags and hessian (ii) jute twine (iii) brown paper and other paper adapted for use in packing goods (iv) cardboard boxes and cartons (v) empty this and empty barrels (vi) wooden boxes (<i>Khokhas</i>) and the boxes (vii) empty bottles and corks (viii) polythene packing materials (ix) paper labels and such other packing materials at the State Government may, by a notification in the <i>Official Gazette</i> , specify for the purpose of this entry.	Do	Do
13	Handloom fabrics of all varieties (excluding those fabrics to which entries 37, 40 and 44 of Schedule I apply) when sold at a price not less than five rupees per metre.	Three paise in the rupee	Three paise in the rupee
14	Kerosene	Do	Do
15	Lubricants	Do	Do
16	(1) Machinery used in the manufacture of goods excluding machinery specified in any other entry in this or any other Schedule (2) Electric motors and oil engines and spare parts and accessories thereof.	Do	Do
17	Raw silk and silken yarn including waste thereof.	Do	Do
18	(a) Ready-made garments and articles (not being garments and articles to which entry 35 in Schedule I applies) prepared from any textile or handloom fabrics including those which have been embroidered or otherwise decorated when sold at a price exceeding ten rupees per article or suit. (b) Hosiery goods.	Do	Do
19	Safety matches (excluding matches ordinarily used as fireworks).	Do	Do
20	(1) <i>Sarees</i> of all kinds embroidered or otherwise decorated. (2) Fabrics of all kinds embroidered or otherwise decorated. <i>Explanation.</i> - (i) A <i>saree</i> or fabric decorated in the process of its weaving shall not be deemed to be a decorated <i>saree</i> or fabric for the purpose of this entry. (ii) Merely to tie the ends or to untie the ends by removing weft thread would not be considered decoration.	Do	Do
21	Staple fibre and staple fibre yarn, Terylene fibre and terylene fibre yarn and all other synthetic fibres and synthetic yarns (other than those specified in any other entry in this or any	Three paise in the rupee	Three paise in the rupee

	other Schedule)including waste thereof.	rupee	
22	Steam	Do	Do
23	Starches and maizeflour and topioca flour.	Do	Do
24	Woollen yam (otherthan knitting yam) but including woollen yam waste.	Do	Do
25	Mechanicallyproduced cattle feed.	Do	Do
26	(1) Drugs and medicines (other than thosespecified in entry 12 in Schedule I and entry 96 in thisSchedule).(2) Vitaminisedinfant milk food sold in sealed containers.	Do	Do
26 A	Fish and all sea food.	Four paise in the rupee	Four paise in the rupee
27	Sheets, rods, bars,slabs, blocks, ingots, circles and scrap of non-ferrous metalsand alloys.	Five paise in the rupee	Five paise in the rupee
28	Betel nuts	Do	Do
29	Bricks and roofingtiles (other than <i>deshi nalta</i>)	Do	Do
30	Caustic soda, sodaash and silicate of soda.	Do	Do
31	Paper, includingnewsprint and straw boards and card boards but excluding paperspecified in entry 12 in this Schedule.	Do	Do
32	Petroleum product,including light diesel oil but excluding lubricants, kerosene,solvent oil, furnace oil and also excluding motor spirit declaredtax free under entry 39 in Schedule I.	Five paise in the rupee	Five paise in the rupee
33	Sewing machines andspare parts and accessories thereof.	Do	Do
34	Soapa (excludingshampoo)	Do	Do
35	Rain coats andumbrellas of all kinds.	Six paise in the rupee	Six paise in the rupee
36	(1) Tractors and spare parte and accessoriesthereof .(2) Water pumps andwater pumping sets	Do	Do
37	<i>Zari</i> threadand embroidery materials of gold, silver and gilded metalincluding <i>badla</i> , <i>fcasab</i> , <i>champa</i> , <i>gota</i> and <i>fullthappa</i> .	Do	Do
38	Cakes, pastries andbiscuits (other than biscuits declared tax free under entry 1 inSchedule I)	Nine paise in the	Nine paise in the rupee

		rupee	
		Seven	
39	Bicycles, tricycles, tandem cycles and cycles combinations and tyres, tubes and accessories and parts thereof.	paise in the rupee	Seven paise in the rupee
40	Coal gas (other than that declared tax free under entry 6 in Schedule I or specified in entry 88 in this Schedule).	Do	Do
41	Electrical goods (other than those specified in entry 92 in this Schedule) not being machinery used in the manufacture of goods and spare parts and accessories of such machinery.	Ten paise in the rupee	Ten paise in the rupee
42	<i>Explanation.</i> -(i) one cup and one saucer, or (ii) any vessel and its lid,	Do	Seven paise in the rupee.
	Glassware, chinaware or articles made of porcelain and glazed earthenware. (1) When sold at a price not exceeding two rupees per piece. (2) in any other case.	Seven paise in the rupee.	Seven paise in the rupee.
43	Timber (excluding firewood and wood specified in entry 6 of Schedule I), flush doors of plywood and bamboo whether whole or split.	Seven paise in the rupee	Seven paise in the rupee
44	Ice-cream, <i>kulfi</i> and non-alcoholic drinks containing ice cream.	Ten paise in the rupee	Ten paise in the rupee
45	Jewellery, (not being articles specified in entry 2 in Schedule III) and precious stones, synthetic or artificial precious stones and pearls, real, artificial or cultured.	Seven paise in the rupee	Seven paise in the rupee
46	Musical instruments	Do	Do
47	Natural and associated gas (other than inflammable gas supplied in closed containers as specified in entry 88 in this Schedule.).	Do	Do
48	Pepper and other spices,	Do	Do
49	Spectacles and lenses, goggles and glasses, rough blanks and spectacle frames and parts and accessories used therewith.	Do	Do
50	Sweets and sweetmeats (including <i>shrikhand</i> , <i>basudi</i> and <i>doodhpak</i>) except when sold in sealed containers of weight not exceeding five kilograms in each container.	Do	Do
51	<i>Timr</i> leaves.	Do	Do

52	X-Ray apparatus and films, plates and other equipment required for use therewith and spare parts and accessories thereof.	Do	Do
53	(1) Cement (2) Articles made of cement, that is to say, articles in making of which, cement is used irrespective of the proportion in which it is used excluding floor and wall tiles.	Eight paise in the rupee	Eight paise in the rupee
54	Crude oil, that is to say, petroleum in its natural state before it has been refined or otherwise treated.	Do	Do
55	Hydrogenated vegetable oils including <i>vanaspati</i> .	Do	Do
56	Floor and wall tiles	Eleven paise in the rupee	Eleven paise in the rupee
57	Coffee, chicori and tea in leaf or powder	Ten paise in the rupee	Ten paise in the rupee
58	Fire works including matches (known as baporias) and other substances ordinarily used as fire works.	Twenty paise in the rupee	Twenty paise in the rupee
59	Ice.	Twelve paise in the rupee	Twelve paise in the rupee
60	Lifts whether operated by electricity or hydraulic power.	Ten paise in the rupee	Ten paise in the rupee
61	Paints and varnishes in any form, whether ready for use or not (other than those specified in entry 61A of this, Schedule).	Twelve paise in the rupee.	Twelve paise in the rupee.
61 A	(a) Acrylic and plastic emulsion paint. (b) All types of lacquers.	Fifteen paise in the rupee.	Fifteen paise in the rupee.
62	Plywood, decorative sheets, such as formica, sanmica and others and articles prepared from plywood and decorative sheets.	Ten paise in the rupee	Ten paise in the rupee

63	Vacuum flasks of all kinds including thermoses.	Eleven paise in the rupee	Eleven paise in the rupee
64	Footwear (other than footwear specified in entry 52 in Schedule I)	Ten paise in the rupee	Ten paise in the rupee
65	Aerated waters and all non-alcoholic beverages (including fruit juices, squashes, syrups and cordials) other than soda water when sold in sealed or capsuled or corked bottles or jars.	Twelve paise in the rupee	Twelve paise in the rupee
66	Soda water when sold, in sealed on capsuled or corked bottles or jars.	Ten paise in the rupee.	Ten paise in the rupee.
67	Furniture (other than that specified in entry 73 of this Schedule) and skeleton thereof excluding wooden cradles (<i>ghodia</i>) and frames of wooden charpai (<i>khatla</i>).	Do	Do
68	Braids, borders, laces and trimmings (excluding those to which entries 37, 40 and 44 of Schedule I apply).	Eleven paise in the rupee	Eleven paise in the rupee
69	(a) Air conditioning plant with a capacity of not more than 1.5 tonnes and spare parts and accessories thereof. (b) Air conditioning plant with a capacity of more than 1.5 tonnes and spare parts and accessories thereof.	Fifteen paise in the rupee. Twelve paise in the rupee	Fifteen paise in the rupee. Twelve paise in the rupee
70	Cinematographic equipments including cameras, projectors and sound recording and reproducing equipments, lenses and films required for use therewith and spare parts and accessories thereof but excluding films certified by the State Government to be predominantly educational in nature.	Twelve paise in the rupee	Twelve paise in the rupee
71	Clocks, time pieces and watches and spare parts and accessories thereof.	Fifteen paise in the rupee	Fifteen paise in the rupee
72	Dictaphone and other similar apparatus for recording sound and spare-parts and accessories thereof.	Twelve paise in the rupee	Twelve paise in the rupee

		rupee	
73	Iron and steelsafes, almirahs and furniture; upholstered furniture and skeletons of any of them.	Fifteen paise in the rupee	Fifteen paise in the rupee
74	(1) Motor vehicles including motor cars, motor taxi cabs, motor cycles, motor cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans, motor lorries and chassis of motor vehicles.(2) Component parts of motor vehicles specified in sub-entry (1) and other articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of such vehicles, not being such articles as are ordinarily also used otherwise than as such parts and accessories.	Twelve paise in the rupee	Twelve paise in the rupee
75	Photographic and other cameras and enlargers, lenses, paper, films and plates required for use therewith and spare parts and accessories thereof.	Twelve paise in the rupee	Twelve paise in the rupee
76	Refrigerators and mechanical water coolers and spare parts and accessories thereof.	Do	Do
77	(1) Sound transmitting equipment including telephones, loudspeakers and electrically operated gramophone record changers and spare parts and accessories of such equipments (but excluding sound amplifying apparatus carried on the person and adapted for use as a hearing aid).(2) Gramophones of every description and component parts thereof and gramophone records.	Do	Do
78	Tabulating, calculating, cash registering, indexing, card punching, franking and addressing machines and spare parts and accessories of such machines.	Fifteen paise in the rupee	Fifteen paise in the rupee
79	Typewriting and duplicating machines and teleprinters and tape recorders including tape for use in connection therewith and spare parts and accessories thereof.	Fifteen paise in the rupee	Fifteen paise in the rupee
79 A	Typewriting machines and spare parts and accessories thereof.	Twelve paise in the rupee	Twelve paise in the rupee
80	Wireless reception instruments and apparatus and radio gramophones and electrical valves, batteries, transmitters, accumulators, amplifiers and loud-speakers required for use	Twelve paise in the rupee	Twelve paise in the rupee

	therewith and spare parts and accessories of such wireless instruments, apparatuses and radiogramophones.	rupee	
80 A	Television set and spare parts and accessories thereof.	Fifteen paise in the rupee	Fifteen paise in the rupee
81	Aeroplanes and spare parts and accessories thereof.	Do	Do
82	Arms including rifles, revolvers, pistols and ammunitions thereof and spare parts and accessories thereof.	Do	Do
83	Binoculars, telescopes, opera glasses and spare parts and accessories thereof.	Twelve paise in the rupee	Twelve paise in the rupee
84	Cigarette cases and lighters	Do	Do
85	Culinary and flavouring essences	Do	Do
86	Furs and articles of personal or domestic use made therefrom.	Do	Do
87	Gold and silver filigree.	Do	Do
88	Inflammable gas supplied in closed containers.	Do	Do
89	Marble and articles made of marble	Do	Do
90	Pile carpets (excluding <i>shetranji</i>)	Do	Do
91	Solvent oil	Do	Do
92	Domestic electrical appliances including electric fans and fluorescent tubes (including chokes, starters, fixtures and fittings and accessories) and other parts appertaining to such appliances but excluding bulbs.	Thirteen paise in the rupee	Thirteen paise in the rupee
93	<i>Ganja</i> and <i>bhang</i>	Thirteen paise in the rupee	Thirteen paise in the rupee
94	Non-potable liquors, that is- (a) rectified spirit; (b) denatured spirit; (c) methyl alcohol; (d) absolute alcohol; (e) any other liquor which the State Government may, by notification in the <i>Official Gazette</i> , declare to be non-potable for the purposes of this entry.	Do	Do
95	Opium	Thirteen paise in the rupee	Thirteen paise in the rupee
96	Spirituous medicinal preparations containing more than 12 percent by volume of alcohol (but other than those which are	Thirty paise in the rupee	Thirty paise in the rupee

declared by the State Government by notification in the *Official Gazette* to be not capable of causing intoxication). the rupee

97	Country liquors, that is, all liquors other than foreign liquors manufactured in India, and foreign liquors, that is, potable foreign liquors brought into or manufactured in India including spirit, wines and fermented liquors.	Forty Five paise in the rupee	Forty Five paise in the rupee
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II

Part B

(See notion 8) Goods, the sale or purchase of which is subject to general tax or purchase tax and the rates of tax.

Sr. No.	Description of goods	Rate of general	Rate of purchase sales tax
1	2	3	4
1	Cotton, that is to say, all kinds of cotton (indigenous or imported) in its un-manufactured state, whether ginned or unpinned, baled, pressed or otherwise but not including cotton waste.	Three paise in the rupee	Three paise in the rupee.
2	Cotton seed	Do	Do
3	Ground nut	Do	Do
4	Hides and skins, whether in a raw or dressed state.	Do	Do
5	Jute, that is to say, the fibre extracted from plants belonging to the species <i>corchorous capsularies</i> and <i>corchorus olitorious</i> and the fibre known as <i>mesta</i> or <i>bimli</i> extracted from plants or the species <i>hibiscus connaricus</i> and <i>hibiscus sabdariffa</i> var <i>altissima</i> , whether baled or otherwise.	Do	Do
6	Oil seeds, that is to say, seeds yielding non-volatile oils used for human consumption, or in industry, or in the manufacture of Tarnishes, soaps and the like, or in lubrication, and volatile oils used chiefly in medicines, perfume, cosmetics and the like, but not cotton seeds and groundnuts.	Do	Do
7	Butter and ghee.	Do	Do
8	<i>Kakavi</i> or <i>kakab</i> or molasses.	Do	Do
9	<i>Isabgul</i> .	Three paise in the rupee	Three paise in the rupee.
10	<i>Jira</i> (Cumin seeds), <i>methi</i> (fenugreek seeds), <i>ajma</i> (ajwa), <i>kalingada</i> seeds and <i>asalia</i> .	Do	Do

11	Oil cakes	Do	Do
12	Raw wool and wool tops	Do	Do
13	Vegetable non essential oils other than hydrogenated vegetable oils.	Five paise in the rupee	Five paise in the rupee.

Schedule 3

(See section 10) Goods, the sale or purchase of which is subject to sales tax, general sales tax or purchase tax and the rates of sales tax and general sales tax

Sr. No.	Description of goods	Rate of sales tax	Rate, of general sales tax
1	2	3	4
1	Bullion and specie. One-fourth of one percent		
2	Articles made of gold (of fineness of not less than fifty percent) and of silver (of fineness of not less than fifty percent) both not containing precious stones or pearls, whether real, artificial or cultured of a value exceeding one-tenth of the value of each such article.	Do	Do
3	Hair combs, hair pins, hair brush, razor and razor blade, shaving brush, shaving soap, shaving cream, shaving stick and tooth brush.	Five paise in the rupee	Three paise in the rupee
4	All kinds of stoves, pressure lamps, incandescent lanterns and lamps, and cookers, and spare parts and accessories of any of these articles.	Do	Do
5	Fountain pens, stylograph pens, ball-point pens and propelling pencils and spare-parts and accessories of such pens and pencils.	Do	Do
6	Foodstuff and food provisions of all kinds (including dried fruits and dried vegetables; raw, semi-cooked, semi-processed or ready to serve foods, pickles, sauces, jams, marmalades, jellies; preserved fruit and honey) when sold in sealed containers of weight not exceeding five kilograms in each container, but excepting whole, separated or reconstituted milk, milk products, as specified in entry 7 in Schedule II Part B, vitaminised infant milk food sold in sealed containers as specified in entry 26 in Schedule II Part A, edible oil, chilly powder and salt.	Five paise in the rupee.	Three paise in the rupee.
7	Hair oils	Six paise in the rupee	Three paise in the rupee
8	Suit cases, attached cases and dispatch cases but excluding steel trunks and school bags made, of steel or aluminium.	Seven paise in the rupee	Three paise in the rupee

9	Perfumes, natural and synthetic essential oils and their compounds and aromatic, chemicals and their compounds, depilatories and cosmetics.	Do	Do
10	Table cutlery including knives, forks and spoons	Ten paise in the rupee	Three paise in the rupee
11	Articles of ivory (other than ivory bangles (chudas and chudis) not ornamented in any manner, sandalwood or black wood or inlaid therewith and ornamental metalware (not being articles specified in entry 2 in this Schedule.))	Do	Do
12.	Toilet articles, that is to say, all articles used in cleansing or grooming parts, of human body including hair creamy hair tonics, shampoo and dentifrices of all kinds but excluding soap.	Ten paise in the rupee	Three paise in the rupee
13	All goods other than those specified from time to time in section 18 and in Schedules I and II and in the preceding entries.	Five paise in the rupee	Three paise in the rupee