

Rajasthan Finance Act, 2007

RAJASTHAN

India

Rajasthan Finance Act, 2007

Act 4 of 2007

- Published on 1 January 2007
- Commenced on 1 January 2007
- [This is the version of this document from 1 January 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Finance Act, 2007(Act No. 4 of 2007)Last Updated 27th May, 2019[Received the assent of the Governor on 7.4.2007]An Act further to amend the Rajasthan Value Added Tax Act, 2003, the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990, the Rajasthan Tax on Entry of Good into Local Areas Act, 1999, the Rajasthan Motor Vehicle Taxation Act, 1951, the Rajasthan Stamp Act, 1998, the Rajasthan Municipalities Act, 1959, the Rajasthan Urban Improvement Act, 1959, the Jaipur Development Authority Act, 1982, the Rajasthan Court Fees and, Suits Valuation Act, 1961 and the Rajasthan Fiscal Responsibilities and Budget Management Act, 2005, in order to give effect to the financial proposals of the State Government for financial year 2007-08 and to make certain other provisions.Be it enacted by the Rajasthan State Legislature in the Fifty-eighth Year of the Republic of India, as follows:-

Chapter I Preliminary

1. Short title.

(1)This Act may be called the Rajasthan Finance Act, 2007.

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

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

Chapter II

Amendment in the Rajasthan Value Added Tax Act, 2003

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

- In sub-section (6) of Section 4 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003), hereinafter in this chapter referred to as the principal Act, for the existing expression "and is before the expiry of the sessions", the expression "and if before the expiry of the sessions" shall be substituted.

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

- In sub-section (5) of Section 8 of the principal Act, for the existing expression "and is before the expiry of the sessions", the expression "and if before the expiry of the sessions" shall be Substituted.

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

- In sub-section (6) of Section 11 of the principal Act, for the existing expression "liable to pay tax under this Act the and such registration", the expression "liable to pay tax under this Act and such registration" shall be substituted.

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

- In clause (f) of sub-section (1) of Section 18 of the principal Act, for the existing expression "being used as raw material in the manufacture of goods of sale", the expression "being used as packing material of goods or as raw material in manufacture of goods for sale" shall be substituted.

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

- In sub-section (3) of Section 21 of the principal Act, for the existing expression "the State Government", the expression "the Commissioner" shall be substituted.

8. Amendment of Section 24, Rajasthan Act No. 24 of 2003.

- After the existing sub-section (3) of Section 24 of the principal Act, the following sub-section (4) shall be added, namely:-(4) Notwithstanding anything contained in sub-section (3), where an assessment order is passed in consequence of or to give effect to any order of an appellate or revisional authority or a competent court, it shall be completed within two years of the communication of such order to the assessing authority; however, the Commissioner may for reason to be recorded in writing, extend in any particular case, such time limit by a period not exceeding six months."

9. Amendment of Section 26, Rajasthan Act No. 4 of 2003.

- In sub-section (3) of Section 26 of the principal Act, for the existing expression "tax period", wherever occurring, the expression "period of return" shall be substituted.

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

- In sub-section (1) of Section 53 of the principal Act, for the existing expression "deposit of such amount by him", the expression "deposit of such amount" shall be substituted.

11. Amendment of Section 77, Rajasthan Act No. 4 of 2003.

- For the existing sub-section (1), except its explanation, of Section 77 of the principal Act, the following shall be substituted, namely:- "(1) Where the Commissioner is of the opinion that without establishing a departmental check-post, it is in the public interest to collect tax on contract basis in respect of all kinds of building stones, marble and granite in all their forms, gitti, bazari, all other goods specified under clause (8) of Section 2 and livestock at a particular check-post or for a specified area, he may, through a contract, permit a contractor to collect such tax at such check-post for such area, at the rates as may be notified under the Act from time to time, in the manner and on such-terms and conditions as may be prescribed, for a period not exceeding two years at a time."

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

- In Section 83 of the principal Act, -(i) in sub-section (2), the existing expression "clauses (a), (b) and (c) of" shall be deleted; and (ii) in sub-section (3), the existing expression "clauses (a), (b) and (c) of" shall be deleted.

13. Amendment of Section 88, Rajasthan Act No. 4 of 2003.

- In Section 88 of the principal Act, -(i) in sub-section (1), for the existing expression "Chairman", the expression "Chairperson" shall be substituted; (ii) in sub-section (3), for the existing expression "Chairman", the expression "Chairperson" shall be substituted; and (iii) in sub-section (4), for the existing expression "Chairman", the expression "Chairperson" shall be substituted.

14. Amendment of Section 96, Rajasthan Act No. 4 of 2003.

- In sub-section (1) of Section 96 of the principal Act, for the existing expression "Chairman", the expression "Chairperson" shall be substituted.

15. Amendment of Section 100, Rajasthan Act No. 4 of 2003.

- In sub-section (1) of Section 100 of the principal Act, for the existing expression "1995", the expression "1955" shall be substituted.

Chapter III

Amendment in the Rajasthan Tax on Luxuries (In Hotels And Lodging Houses) Act, 1990

(Act No. 9 of 1996)

16. Amendment of Section 2, Rajasthan Act No. 9 of 1996.

- In Section 2 of the Rajasthan Tax on Luxuries (in Hotels and Lodging Houses) Act, 1990 (Act No. 9 of 1996),-(i)for the existing clause (a), the following clauses shall be substituted, namely:-(a) "business" includes the activities of providing residential accommodation or any place for the purpose of organising parties, ceremonies or functions and any other service in connection with, or ancillary to, such activities for monetary consideration, whether or not such activities are carried on with motive to make gain or profit and whether or not any gain or profit accrues from such activities;"; and -(ii)for the existing clause (g), the following clause shall be substituted, namely:-(g) "hotel" includes a residential accommodation along with the lawns there of, a lodging house, an inn, a public house or a building or parts of a building or any place, where a residential accommodation or a space for the purpose of organising parties, ceremonies or functions is provided byway of business;";

Chapter IV

Amendment of the Rajasthan Tax on Entry of Goods Into Local Areas Act, 1999

(Act No. 13 of 1999)

17. Amendment of Section 15, Rajasthan Act No. 13 of 1999.

- In sub-section (1) of Section 15 of the principal Act, for the existing expression "within a period of eight years from the expiry of the year to which the tax relates, proceed to assess or re-assess to the best of its judgment the tax payable by a dealer in respect of such turnover or purchase value of such goods, as the case may be, after issuing a notice to the dealer and after making such enquiry as it may consider necessary.", the expression "within a period of five years from the expiry of the year to which the tax relates, issue notice and proceed to assess or re-assess to the best of its judgment, the tax payable by a dealer in respect of such turnover or purchase value of such goods, as the case may be, and after making such enquiry as it may consider necessary, shall complete the assessment within eight years from the end of the relevant year." shall be substituted.

Chapter V

Amendment in the Rajasthan Motor Vehicles Taxation Act, 1951

18. Amendment of Section 4, Rajasthan Act No. 11 of 1951.

- In sub-section (1) of Section 4 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Act No. 11 of 1951), hereinafter in this chapter referred to as the principal Act, - (i) in clause (a), for the existing expression "covered by clause (b), (c) or (d)" the expression "covered by clause (b), (c), (cc) or (d)" shall be substituted; and (ii) for the existing clause (c), the following shall be substituted, namely: - "(c) a tax in respect of motor vehicles registered outside the State and using roads in Rajasthan, at such rates, as may be notified by the State Government in the Official Gazette which shall not exceed Rs. 500/- per seat for 7 days or part thereof in case of passenger vehicles and shall not exceed Rs. 250/- per thousand Kg. Gross Vehicle Weight/Registered Laden Weight or part thereof for 30 days or part thereof in case of goods vehicle and shall not exceed Rs. 5000/- per thousand Kg. of Unladen Weight or part thereof for 30 days or part thereof in case of Construction Equipment Vehicles; (cc) a tax in respect of motor vehicles or motor vehicle chassis temporarily registered and passing through the State using roads in Rajasthan, at such rates, as may be notified by the State Government in the Official Gazette which shall not exceed Rs. 5000/-;"

19. Amendment of Section 4-C, Rajasthan Act No. 11 of 1951.

- In Section 4-C of the principal Act, for the existing punctuation mark appearing at the end of the existing proviso, the punctuation mark shall be substituted and after the proviso, so amended, the following new proviso shall be added, namely: - "Provided further that the State Government may by notification in the Official Gazette require the owners or the persons having possession of such class of transport vehicles registered on or after 1.4.2007 as may be specified in the notification to pay lump sum tax under Section 4-C instead of tax payable under clause (a) or clause (e) of sub-section (1) of Section 4 and Section 4-B."

20. Amendment of Section 5, Rajasthan Act No. 11 of 1951.

- In Section 5 of the principal Act, for the existing punctuation mark appearing at the end of the existing second proviso, the punctuation mark shall be substituted and after the proviso, so amended, the following new proviso shall be added, namely: - "Provided also that in case of the class of vehicles specified under second proviso to Section 4-C, the tax shall be paid in full in such manner as may be prescribed by the State Government."

21. Amendment of Section 6, Rajasthan Act No. 11 of 1951.

- In sub-section (3) of Section 6 of the principal Act, after the existing expression "where a transport vehicle" and before the existing expression "of other State" the expression "or a construction equipment vehicle" shall be inserted.

22. Insertion of Section 21-B, Rajasthan Act No. 11 of 1951.

- After the existing Section 21-A and before the existing Section 22 of the principal Act, the following new section shall be inserted, namely:- "21-B. No dues certificate. - (1) A registered owner of the vehicle or a permit holder of the vehicle or any person having possession or control of the vehicle or a financier under whose control vehicle has vested under the provisions of Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) may apply to the taxation officer in the prescribed manner and along with prescribed fee, to obtain a no dues certificate-regarding the tax, penalty or interest payable in respect of such vehicle under the provisions of this Act.(2)On receipt of an application under sub-section (1), the taxation officer shall, after such enquiry as may be prescribed, issue no dues certificate in such form and within such period as may be prescribed."

Chapter VI

Amendment in the Rajasthan Stamp Act, 1998

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

- In Schedule of the Rajasthan Stamps Act, 1998 (Act No. 14 of 1999),-(i)in Article 7, for the existing expression "One hundred rupees.", appearing under column No. 2, the expression "Two hundred rupees." shall be substituted.(ii)in clause (ii) of Article 11, for the existing expression "One hundred rupees.", appearing under column No. 2, the expression live hundred rupees, shall be substituted;(iii)in Article 19, for the existing expression "Twenty rupees.", appearing under column No. 2, the expression "Fifty rupees." shall be substituted:(iv)in clause (c) of Article 37, for the existing expression "Ten rupees.", appearing twice under column ^No. 2, the expression "Twelve rupees." shall be substituted;(v)in Article 41, for the existing expression "Fifty paise.", appearing under column No. 2, the expression "Ten rupees." shall be substituted;(vi)in clause (a) of Article 44, for the existing expression "Ten rupees.", appearing under column No. 2, the expression "Fifty rupees." shall be substituted;(vii)in clause (b) of Article 44, for the existing expressing "Ten rupees.", appearing under column No. 2, the expression "Fifty rupees." shall be substituted;(viii)in clause (c) of Article 44, for the existing expression "Thirty rupees.", appearing under column No. 2, the expression "One hundred rupees." shall be substituted;(ix)in clause (d) of Article 44, for the existing expression "Fifty rupees.", appearing under column No. 2, the expression "One hundred rupees." shall be substituted;(x)in clause (f) of Article 44, for the existing expression "Ten rupees for- each person authorised.", appearing under column No. 2, the expression "Fifty rupees for each person authorised." shall be substituted;(xi)in Article 46, for the existing expression "One Rupee.", appearing under column No. 2, the expression "Ten rupees." shall be substituted;(xii)in Article 53, for the existing expression "Ten paise.", appearing under column No. 2, the expression "Ten rupees." shall be substituted;(xiii)in clause (a) of Article 58, for the existing expression "One hundred rupees.", appearing under column No. 2, the expression "Five hundred rupees." shall be substituted;(xiv)in clause (b) of Article 58, for the existing expression "Five hundred rupees.", appearing under column No. 2, the expression One thousand rupees, shall be substituted; and(xv)in clause (c) of Article 58, for the existing expression "One thousand rupees.", appearing under column No. 2, the expression "Five thousand rupees." shall be substituted.

Chapter VII

Amendment in the Rajasthan Municipalities Act, 1959

(Act No. 38 of 1959)

24. Insertion of Section 80-B, Rajasthan Act No. 38 of 1959.

- After the existing Section 80-A and before the existing Section 81 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the following section shall be inserted, namely:-"80-B. Transfer to be on free hold or lease hold basis. - (1) Every transfer of land under Section 80 or Section 80-A shall be either on free hold basis or on lease hold basis.(2)Any land sold, allotted, regularized or otherwise transferred on lease hold basis may be converted in free hold basis subject to such terms and conditions, and on payment of such conversion charges, as may be prescribed by rules.Explanation. - For the purpose of this section, 'free hold' means tenure in perpetuity with right of inheritance and alienation."

Chapter VIII

Amendment in the Rajasthan Urban Improvement Act, 1959

(Act No. 35 of 1959)

25. Amendment of Section 60-A, Rajasthan Act No. 35 of 1959.

- After the existing sub-section (5) of Section 60-A of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), the following sub-sections shall be added, namely:-(6) Every transfer of land under this section shall be either on free hold basis or on lease hold basis.(7)Any land sold, allotted, regularized or otherwise transferred on lease hold basis may be converted in free hold basis subject to such terms and conditions, and on payment of such conversion charges, as may be prescribed.Explanation. - For the purposes of this section, "free hold" means tenure in perpetuity with right of inheritance and alienation."

Chapter IX

Amendment in the Jaipur Development Authority Act, 1982

(Act No. 25 of 1982)

26. Insertion of Section 54-C, Rajasthan Act No. 25 of 1982.

- After the existing Section 54-B of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), the following section shall be inserted, namely:-"54-C. Transfer to be on free hold or lease hold basis. - (1) Every transfer of land under Section 54 or Section 54B shall be either on free hold

basis or on lease hold basis.(2)Any land sold, allotted, regularized or otherwise transferred on lease hold basis may be converted in free hold basis subject to such terms and conditions, and on payment of such conversion charges, as may be prescribed.Explanation. - For the purposes of this section, 'free hold' means tenure in perpetuity with right of inheritance and alienation."

Chapter X

Amendment in the Rajasthan Court Fees and Suits Valuation Act, 1961

(Act. No. 23 of 1961)

27. Insertion of Section 65-A, Rajasthan Act No. 23 of 1961.

- After the existing Section 65 of the Rajasthan Court Fees and Suits Valuation Act, 1961 (Act No. 23 of 1961), hereinafter in this chapter referred to as the principal Act, the following section shall be inserted, namely:-"65A. Power to exempt fees. - The State Government may by notification in the Official Gazette, exempt, in public interest, any class of persons from all or any of the fees chargeable for any category of suits under this Act."

28. Amendment of Schedule I, Rajasthan Act No. 23 of 1961.

- In Schedule I of the principal Act, for the existing Article 1. the following shall be substituted, namely:-"1. Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal presented to any Court-

(i) When the amount or value of the subject matter in dispute does not exceed rupees 15,000	2-1/2 per cent of the amount or value
(ii) When the amount or value exceeds rupees 15,000 but does not exceed rupees 75,000	Rupees 375 plus 7-1/12 per cent of the amount or value exceeding rupees 15,000
(iii) When the amount or value exceeds rupees 75,000 but does not exceed rupees 2,50,000	Rupees 4,875 plus 7 per cent of the amount or value exceeding rupees 75,000
(iv) When the amount or value exceeds rupees 2,50,000 but does not exceed rupees 5,00,000	Rupees 17,125 plus 6-1/2 per cent of the amount or value exceeding rupees 2,50,000
(v) When the amount or value exceeds rupees 5,00,000 but does not exceed rupees 7,50,000	Rupees 33,375 plus 6 per cent of the amount or value exceeding rupees 5,00,000
(vi) When the amount or value exceeds rupees 7,50,000 but does not exceed rupees 10,00,000	Rupees 48,375 plus 5-1/2 per cent of the amount or value exceeding rupees 7,50,000
(vii) When the amount or value exceeds rupees 10,00,000 but does not exceed rupees 15,00,000	Rupees 62,125 plus 5 per cent of the amount or value exceeding rupees 10,00,000
(viii) When the amount or value exceeds rupees 15,00,000 but does not exceed rupees 20,00,000	Rupees 87,125 plus 4-1/12 per cent of the amount or value exceeding rupees 15,00,000

(ix) When the amount or value exceeds rupees 20,00,000 but does not exceed rupees 25,00,000	Rupees 1,09,625 plus 4 per cent of the amount or value exceeding rupees 20,00,000
(x) When the amount or value exceeds rupees 25,00,000 but does not exceed rupees 30,00,000	Rupees 1,29,625 plus 3-1/2 per cent of the amount or value exceeding rupees 25,00,000
(xi) When the amount or value exceeds rupees 30,00,000 but does not exceed rupees 40,00,000	Rupees 1,47,125 plus 3 per cent of the amount or value exceeding rupees 30,00,000
(xii) When the amount or value exceeds rupees 40,00,000 but does not exceed rupees 10,00,000	Rupees 1,77,125 plus 2-1/2 per cent of the amount or value exceeding rupees 40,00,000
(xiii) When the amount or value exceeds rupees 1,00,00,000 but does not exceed rupees 50,00,000	Rupees 3,27,125 plus 2 per cent of the amount or value exceeding rupees 10,00,000
(xiv) When the amount or value exceeds rupees 1,50,00,000 but does not exceed rupees 2,00,00,000	Rupees 4,27,125 plus 1-1/2 per cent of the amount or value exceeding rupees 1,50,00,000
(xv) When the amount or value exceeds rupees 2,00,00,000 but does not exceed rupees 3,00,00,000	Rupees 5,02,125 plus 1 per cent of the amount or value exceeding rupees 2,00,00,000
(xvi) When the amount or value exceeds rupees 3,00,00,000	Rupees 6,02,125 plus 1/2 per cent of the amount or value exceeding rupees 3,00,00,000]

Chapter XI

Amendments in the Rajasthan Fiscal Responsibilities And Budget Management Act, 2005

(Act No. 7 of 2005)

29. Amendment of Section 2, Rajasthan Act No. 7 of 2005.

- After clause (k) and before clause (1) of Section 2 of the Rajasthan Fiscal Responsibility and Budget Management Act, 2005 (Act No. 7 of 2005), hereinafter in this chapter referred to as the principal Act, the following clause shall be inserted, namely: - "(kk) "Rajasthan Development and Poverty Alleviation Fund" means a Fund created under Section 6-A;".

30. Insertion of Section 6-A, Rajasthan Act No. 7 of 2005.

- After the existing Section 6 and before the existing Section 7 of the principal Act, the following new section shall be inserted, namely: -

6A. Rajasthan Development and Poverty-Alleviation Fund. - (1) There shall be created a fund called 'Rajasthan Development and Poverty Alleviation Fund' (hereinafter referred to as the Fund) in the Public Account of the State.

(2) Tax receipts of the State, comprising of its own taxes and share in central taxes, in any year in excess of 17.5% over previous year and any other revenue receipts, as the State Government may think fit, shall, if the State legislature by appropriation made by law in this behalf so provides, be credited to the Fund in the ensuing year. (3) The Fund may be used by the State Government only for the following purposes; (a) to meet revenue or capital expenditure in a year wherein tax receipts of the State, comprising of its own taxes and share in central taxes, are estimated to be less than 10% over the previous year; (b) to meet expenditure on developmental schemes or poverty reduction programmes. (4) The Fund shall not be used for meeting non-development or establishment expenditure as defined by Controller and Auditor General of India.