

Andhra Pradesh Sales Tax (Settlement of Disputes) Act, 2001

ANDHRA PRADESH

India

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Act 41 of 2001

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Andhra Pradesh Sales Tax (Settlement of Disputes) Act, 2001(Act No. 41 of 2001)Last Updated 28th August, 2019[Dated 16.10.2001]An Act to Provide for Expeditious Enforcement of Payment of Arrear Tax, Additional Tax, Turn over Tax, Penalty or Interest in Dispute under Relevant Acts Relating to Sales Tax, Entertainments Tax By way of Settlement of such Disputes and for Matters Connected Therewith or Incidental Thereto.Whereas, it is expedient to provide for enforce, lent of payment of and settlement of disputes relating to any arrear tax, additional tax, turnover tax, penalty or interest, as the case may be under the Andhra Pradesh General Sales Tax Act, 1957, the Andhra Pradesh Entertainments Tax Act, 1939 and the Central Sales Tax Act, 1956;Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Andhra Pradesh Sales Tax (Settlement of Disputes) Act, 2001.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall be deemed to have come into force on and from the 17th July, 2001.

2. Definitions.

- The words and expressions used in this Act shall have the meaning respectively assigned to them in the Andhra Pradesh General Sales Tax Act, 1957, the Andhra Pradesh Entertainments Tax Act, 1939 and the Central Sales Tax Act, 1956.

3. Application of the provisions of the law relating to Andhra Pradesh General Sales Tax Act, 1957, Andhra Pradesh Entertainments Tax Act, 1939.

- Subject to the provisions used in this Act, the provisions of the law relating to the Andhra Pradesh General Sales Tax Act, 1957, the Andhra Pradesh Entertainments Tax Act, 1939, and the Central Sales Tax Act, 1956 for time being in force in the State shall apply mutatis mutandis to all the registered and unregistered dealers.

4. Application of the Act.

(1)The provisions of this Act shall apply to:-(i)the disputed taxes including additional tax, surcharge, turnover tax, penalty, interest which are due as on 31st March, 2001;(ii)cases where the amount involved is rupees One Crore and below per each year of assessment as on 31st March, 2001 under the relevant Acts referred to in Section 2;(iii)an assessment order, revision order, reassessment order, penalty and interest order passed up to 31st March, 2001; and cases relating to such orders pending before various appellate and revisional authorities. In case of revision, the revision notice or order must have been served on or before 31st March, 2001. A dealer who is in receipt of any show-cause notice prior to 31st March, 2001 pending final proceeding can also apply.(2)The provisions of this Act shall apply to all registered dealers under the Andhra Pradesh General Sales Tax Act, 1957 and the Central Sales Tax Act, 1956; as well as to unregistered dealers.(3)For settlement of disputes under this Act, each year of assessment shall be a distinct unit.

5. Act not apply to certain cases.

- The provisions of this Act, shall, excepted to the additional tax, turn over tax, penalty or interest, not apply to any payments, irrespective of the nature of dispute made towards any tax, additional tax prior to 31st March, 2001, and to the orders passed on or after 1st April, 2001.

6. Waiver of the tax, etc.

- An applicant shall be entitled to :-(i)50% (fifty percent) waiver of all the disputed taxes which are not yet collected as on 31st March, 2001; and(ii)90% (ninety percent) waiver of interest or penalties raised under any provisions of the relevant Act which were due as on 31st March, 2001;if the payment of fifty percent of the disputed taxes as on 31st March, 2001 is made during the period from 1st August, 2001 to 30th September, 2001.

7. Competent authority.

- For carrying out the purpose of this Act, the Deputy Commissioner (Commercial Taxes) shall be the competent authority.

8. Withdrawal of appeal, revision, etc.

(a) No application under this Act shall be entertained by the competent authority unless the applicant files written declaration stating that the appeal or revision or any other proceedings before the concerned authority under the relevant Act or any Court of law may be treated as withdrawn upon settlement of the dispute under this Act. (b) Upon settlement of a dispute under this Act, the corresponding appeal or revision filed by the State before the High Court or Supreme Court shall be withdrawn by the Authorities under the relevant Act.

9. Eligibility for settlement.

- Subject to the other provisions of this Act an applicant shall be eligible to make an application for settlement of assessment order, revisional order, reassessment order, penalty or interest in dispute in respect of any period, for which an assessment has been made under the relevant Act and an appeal or revision relating thereto is pending, on the 31st March, 2001 before any appellate authority or revisional authority as the case may be.

10. Application for settlement.

(1) An application for the purpose of Section 9 shall be made to the competent authority by an applicant in such form and in such manner as may be prescribed and shall be accompanied by such fee as may be prescribed. (2) A separate application shall be made by an applicant for relevant assessment years in respect of which an appeal or revision is pending under each of the relevant Acts.

11. Determination of amount payable by the applicant.

(1) The competent authority shall verify the correctness of the particulars furnished in such application with reference to the connected records available with the assessing authority or any other authority with whom such records may be available, as the case may be. (2) Where the competent authority is satisfied about the correctness of the particular set forth in the application made by an applicant, he shall within sixty days from the date of receipt of an application referred in section 10 determine by an order in writing the amount payable by the applicant for the purposes of settlement of arrear tax, additional tax, turnover tax, penalty, or interest in dispute at the rate specified in Section 6: Provided that while determining the amount payable by the applicant for the purpose of settlement of arrear tax, additional tax, turnover tax, penalty, or interest in dispute, the competent authority shall take into account any such amount paid by the applicant before making an application under Section 10 and deduct the amount so paid by him from the amount determined as payable by the applicant under this sub-section. (3) The applicant shall pay in one lump sum, the sum determined by the competent authority under subsection (2) within thirty days of the receipt of order passed by the competent authority: Provided that where the sum determined by the competent authority under subsection (2) is rupees twenty five lakhs and above, the same shall be paid in one lump sum within ninety days of the receipt of the order passed by the competent authority.

12. Settlement of dispute.

(1)The competent authority on being satisfied about the payment of the amount which the applicant is required to pay by virtue of the order passed under section 11 shall settle the dispute in respect of which an application has been made and issue a certificate of settlement for such dispute in such forms as may be prescribed, to the applicant ordinarily within fifteen days of the receipt of the proof of payment, and thereupon such applicant shall be discharged from his liability to make payment of the balance amount of such arrears of tax, penalty or interest in dispute:Provided that a certificate of settlement shall be issued by the competent authority separately in respect of every application.(2)the competent authority, for reasons to be recorded in writing, may refuse to settle dispute where it appears to him that the applicant has concealed any material evidence or suppressed any information or particulars by furnishing untrue or false or incorrect or incomplete information:Provided that no order adversely affecting the applicant shall be passed without giving the applicant a reasonable opportunity of showing cause against such refusal.

13. Rectification of error.

- The competent authority, may, at any time within ninety days from the date of issue of the certificate of settlement under Section 12, rectify any error apartment on the face of the record:Provided that no such rectification adversely affecting the applicant shall be passed without giving a reasonable opportunity of showing cause against such rectification.

14. Revocation of certificate of settlement.

- Notwithstanding anything contained in this Act, where it appears to the competent authority that an applicant has obtained the benefit of settlement under this Act by suppressing any material information or particulars or by furnishing any incorrect or false information or particulars, such competent authority, may, for the reasons to be recorded in writing, revoke the certificate of settlement issued under section 12:Provided that no order of revocation shall be passed without giving the applicant a reasonable opportunity in the manner prescribed.

15. Power to make rules.

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session in the session immediately following, for a total of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

16. Repeal of Ordinance 3 of 2001.

- The Andhra Pradesh Sales Tax (Settlement of Disputes) Ordinance, 2001 is hereby repealed.