

Andhra Pradesh Value Added Tax (Amendment) Act, 2005

23 of 2005

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Andhra Pradesh Value Added Tax (Amendment) Act, 2005

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PREAMBLE

An Act to Amend the Andhra Pradesh Value Added Tax Act, 2005.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth year of the Republic of India, as follows:-

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1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Value Added Tax (Amendment) Act, 2005.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) (a) Sections 2, 3 and 4 shall be deemed to have come into force with effect on and from 29th August, 2005;

(b) Sub-section (1) and clauses (i), (ii), (v), (vi), (viii), (x), (xi), (xii), (xiii), (xiv), (xv) of sub-section (3) of section 5 shall be deemed to have come into force with effect on and from the 18th August, 2005;

(c) sub-section (2) and clauses (iii), (iv), (vii), (ix) and (xvi) of sub-section (3) of section 5 shall be deemed to have come into force with effect on and from the 1st September, 2005;

(d) clauses (i) and (ii) of sub-section (4) of section 5 shall be deemed to have come into force with effect on and from the 20th June, 2005; and

(e) clause (iii) of sub-section (4) of section 5 shall be deemed to have come into force with effect on and from the 28th July, 2005.

2. Amendment of section 2 :-

In the Andhra Pradesh Value Added Tax Act, 2005 (Act 5 of 2005) (herein after referred to as the principal Act), in section 2, in sub-section (14), for the words "Sales Tax Levy Validation Act 1956", the words "Central Sales Tax Act, 1956" shall be substituted.

3. In section 4 of the principal Act, in sub-section (7) :-

(i) in clause (c), the words "of fifty percent (50%)" shall be omitted;

(ii) after clause (d), a new clause shall be inserted namely,--

"(e) any dealer having opted for composition under clauses (b), (c) and (d), purchases or receives any goods from outside the State or India or from any dealer other than a Value Added Tax dealer in the State and uses such goods in the execution of the works contracts, such dealer shall pay tax on such goods at the rates applicable to them under the Act and the value of such goods shall be excluded for the purpose of computation of turnover on which tax by way of composition at the rate of four percent (4%) is payable";

(iii) the existing clause (e) shall be renumbered as clause (f);

(iv) after the proviso in clause (f) as so renumbered, the following proviso shall be added namely,--

"Provided further that no tax shall be payable under this sub-section on the turnover relating to the consideration received as a sub-contractor if the main contractor opted to pay tax by way of composition subject to the condition that the sub-contractor shall pay tax in respect of any goods purchased or received from outside the State or India or from any person other than a Value Added Tax dealer in the State on the value of such goods at the rates applicable to them under the Act.";

4. In section 22 of the Principal Act :-

(1) In sub-section (4), for the words "for a Company"; and "at the rate of 2%", the words "for Central Government or a Company"; and "at the rate of four percent (4%)" shall respectively be substituted.

(2) In sub-section (5), the words "the provision of sub-section (4) of" shall be omitted.

(3) After sub-section (6), the following new sub-section shall be added, namely,--

"(7) Any person required to deduct tax at source under subsections (3) and (4) fails to deduct or to remit such tax shall be liable to pay interest at the rate of twelve percent (12%) per annum for the delayed period."

5. In the Principal Act :-

(1) In Schedule-I,--

(i) In the entry against Serial No. 1 the words "including hand

operated sprayers and dusters", shall be added at the end.

(ii) In the entry against Serial No. 5, the words "including maps, charts, globes and atlases" shall be added at the end.

(iii) After Serial No. 47, but before explanation, the following New Serial and the entry relating thereto shall be added, namely,--

"48. Rakhi."

(2) In Schedule III, for Serial No. 2 and the entry relating thereto, the following shall be substituted namely,--

"2. Articles and Jewellery made of bullion or specie or any other precious metals and Jewellery embedded with precious stones and semi-precious stones".

(3) In Schedule IV,

(i) For Serial No. 7, and the entry relating thereto, the following shall be substituted, namely,--

"7. All utensils including pressure cookers and pans excepting utensils made of precious metals";

(ii) For Serial No. 17, and the entry relating thereto, the following shall be substituted, namely,--

"17. Electric Motors and Oil Engines upto a capacity of 10 HP, Centrifugal, Monoblock and submersible pumpsets Starters of electric motors and pumpsets, parts and accessories thereof";

(iii) In the entry against Serial No. 19, for the words "Chemical

fertilisers", the words "Chemical fertilisers, Bio-fertilisers" shall be substituted;

(iv) In the entry against Serial No. 20, the words "including drip and sprinkle irrigation systems but excluding mosquito repellants in any form" shall be added at the end;

(v) In the entry against Serial No. 28, for the words "and Ravva", the words "Ravva, Vermicelli and Semiya," shall be substituted;

(vi) In the entry against Serial No. 33, the words "and fittings thereof;" shall be added at the end;

(vii) For Serial No. 39, and the entries relating thereto, the following shall be substituted, namely,--

"39. IT Products, that is to say,--

(1) Word Processing Machines and Electronic Typewriters;

(2) Electronic Calculators;

(3) Computer Systems and Peripherals, Electronic Diaries;

(4) Parts and Accessories of Items (1) (2) and (3) above;

(5) DC Micromotors/Stepper motors of an output not exceeding 37.5 Watts;

(6) Parts of Items (5) above;

(7) Uninterrupted Power Supplies (UPS) and their parts;

(8) Permanent magnets and articles intended to become permanent magnets (Ferrites);

(9) Electrical Apparatus for line telephony or line telegraphy, including line telephone sets with cordless handsets and telecommunication apparatus for carries current line systems or for digital line systems; videophones;

(10) Microphones, Multimedia Speakers, Headphones, Earphones and Combined Microphone/Speaker Sets and their parts;

(11) Telephone answering machines;

(12) Parts of Telephone answering machines;

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(13) Prepared unrecorded media for sound recording or similar recording of other phenomena, Video and Audio CDs, Cassettes and DVDs (recorded and unrecorded).

(14) IT Software on any media;

(15) Transmission apparatus other than apparatus for radio broadcasting or TV broadcasting, transmission apparatus incorporating reception apparatus, digital still image video cameras;

(16) Radio communication receivers, Radio pagers;

(i) Aerials, antennas and their parts;

(ii) Parts of Items (15) and (16) above.

(17) LCD Panels, LED Panels and parts thereof;

(18) Electrical capacitors, fixed, variable or adjustable (Pre-set) and parts thereof;

(19) Electrical resistors (including rheostats and potentiometers), other than heating resistors;

(20) Printed circuits;

(21) Switches, Connectors and Relays for upto 5 AMPS at voltage not exceeding 250 Volts, Electronic fuses;

(22) Data/Graphic Display tubes, other than TV Picture tubes and parts thereof;

(23) Diodes, transistors and similar semi-conductor devices, Photosensitive semi-conductors devices; including photovoltaic cells whether or not assembled in modules or made up into panels, Light emitting diodes, Mounted piezoelectric crystals;

(24) Electronic Integrated Circuits and micro assemblies;

(25) Signal generators and part thereof;

(26) Optical fibre cables;

(27) Optical fibre and optical fibre bundles and cables;

(28) Liquid Crystal Devices, Flat Panel display devices and parts thereof;

(29) Cathode ray oscilloscopes, Spectrum Analysers, Cross-talk meters, Grain measuring instruments, Distortion factor meters,

Psophometers, Network and Logic analyzer and Signal analyzer.

(viii) For Serial No. 45, and the entries relating thereto, the following shall be substituted, namely,--

"45. Pipes of all varieties including G1, C1, PVC, Ductile, RCC & PCC pipes, their fittings thereof and Cement Poles;"

(ix) In the entry against Serial No. 46, the words "and Hawai Chappals;" shall be added; at the end;

(x) For Serial No. 52, and the entry relating thereto, the following shall be substituted, namely,--

"52. Ready made garments, bed sheets, pillow covers, towels, blankets, traveling rugs, curtains, crochet laces, zari, embroidery articles and all other made ups;"

(xi) For Serial No. 63, and the entry relating thereto, the following shall be substituted, namely,--

"63. Tractors and Threshers, Harvesters, Tractor Trailers, Tyres, Tubes attachments and parts thereof;"

(xii) For Serial No. 68, and the entry relating thereto, the following shall be substituted, namely,--

"68. Writing instruments, writing ink, Geometry Boxes, Colour Boxes, Pencil Sharpeners and Erasers;"

(xiii) For Serial No. 88, and the entry relating thereto, the following shall be substituted, namely,--

"88. Drugs and medicines whether patented or unpatented as defined

"88. Drugs and medicines whether patent or proprietary, as defined in clauses (i), (ii) and (iii) of section 3(b) of Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940), and hypodermic syringes, hypodermic needles, perfusion sets, urine bags, catguts, sutures, surgical cotton, dressings, plasters, catheters, cannulae, bandages and similar articles, but not including,--

(a) Medicated goods;

(b) Products capable of being used as cosmetics and toilet preparations including Tooth Pastes, Tooth powders, cosmetics, Toilet articles and soaps;

(c) Mosquito Repellants in any form;

(d) Surgical equipment, medical devices and implants";

(xiv) In the entry against Serial No. 89, for the words "including poultry Feed Supplements", the words "and Feed Supplements;" shall be substituted;

(xv) After Serial No. 90, the following shall be added at the end, namely,--

"91. Khandasari Sugar.

92. River Sand and grit and stone chips.

93. Extra Neutral Alcohol (ENA) and rectified spirit.

94. Kerosene stove, kerosene lamp, petromax lamp hurricane lamp, glass chimney and parts and accessories thereof.

95. Bio-diesel manufactured using non-edible vegetable oils such as

for the goods manufactured using non edible vegetable oils such as Jatropha, Pongamia, Rice bran, Neem, Cotton seed, Rubber seed";

(xvi) After Serial No. 95, the following Serial No. and the entries relating thereto shall be added namely,--

"96. Artificial and rolled gold jewellery, imitation and costume jewellery".

(4) In Schedule VI,--

(i) For Item No. 1 and the entries relating thereto, the following shall be substituted namely,--

(ii) In the column of "rate of tax" for the entries against Items Nos. 2, 3, 4 and 5 for the numbers "32.55%; 32.55%, 32.55% and 21.33%", the numbers "34%, 34%; 34% and 23%" shall respectively be substituted.

(iii) After Explanation III, the following explanation shall be inserted, namely,--

"Explanation III-A.--The amendment issued to Item 1 in the notification issued in G.O.Ms. No. 1229, Revenue (CT. II) Department, dated 20-06-2005, shall be deemed to have come into force w.e.f. 01-04-2005 in so far as it relates to the stocks of liquor costing more than Rs. 700 per case held by M/s. Andhra Pradesh Beverages Corporation Limited, as on 01-04-2005, and sold thereafter with old MRP stickers and at the old billing rates as per the orders issued by the Government in G.O. Rt. No. 399, Revenue (Excise-II) Department, dt. 31-03-2005.

6. Section 6 :-

The Andhra Pradesh Value Added Tax (Amendment) Ordinance, 2005 (Repeal of Ordinance 20 of 2005) is hereby repealed.

