

DELHI ENTERTAINMENT TAX RULES, 1950

CONTENTS

1. Short title
2. Definitions
3. Supply of stamps and keeping of accounts
4. Purchase of Stamps
5. Issue of stamps
6. Price of admission shown on and stamp affixed to ticket
7. Plural tickets
8. Transfer of seat
9. Season tickets
10. Defacement and destruction of stamps
11. Torn, Etc. Stamps
12. Register of stamps
13. Refund of value of unused stamps
- 13A. Refund of damaged or spoiled stamps
- 13B. Disposal of unserviceable and obsolete stamps
14. Renewal of damaged or spoiled stamps
15. Procedure for the refund of value of unused stamps or renewal of damaged or spoiled stamps
16. Security
17. Unstamped ticket issued under the provisions of 4(2) (a) and (b)
18. Return required under section 4(2)(a) and (b)
19. Return required under section 4(2) (c)
20. Admission by mechanical contrivance, notice
21. Payment under section 4(2)
22. Payment of tax on programmes or synopsis
23. Complementary tickets
24. Exemptions under Section 6(1) and refunds under Section 6(2)
25. Form of exemption under section 6(1)
26. Application for exemption
27. Provision as to persons admitted, without payment
28. Production of tickets
29. Transfer to different parts of place of entertainment
30. Inspection of books etc
31. Power to enter place of entertainment
32. Refund of duty when entertainment is not completed

DELHI ENTERTAINMENT TAX RULES, 1950

In exercise of the powers conferred by sub-section (1) of Section 9 of the United Provinces Entertainment and Betting Tax Act, 1937

(VIII of 1937) as extended to the State of Delhi, the Chief Commissioner of Delhi is pleased to make the following rules for securing the payment of the Entertainment Tax and generally for carrying into effect the provisions of Chapter I of the said Act

1. Short title :-

These rules may be called the Delhi Entertainment Tax Rules, 1950.

2. Definitions :-

In these rules

(i) "Act" means the United Provinces Entertainment and Betting Tax Act, 1937 as extended to the State of Delhi.

(ii) "Prescribed Officer" means the person or authority to whom any powers are delegated under section 10 of the Act.

(iii) "Stamp" means an Entertainment Duty Stamp issued by the Central Government under sub-section (1) of Section 4 of the United Provinces Entertainment and Betting Tax Act, 1937.

(iv) "District officer" means the (District Magistrate) or any other officer designated by him in this behalf.

3. Supply of stamps and keeping of accounts :-

The rules regarding the supply and keeping of account of Non-Judicial and Court fee stamps contained in Part I of the Delhi Province Stamp Rules, 1934 published with the Chief Commissioner's Notification No. B77/34-Financial dated the 20th March, 1934 as amended heretofore or to be amended in future shall apply mutatis mutandis to the supply and keeping of accounts of the stamps except that for the purposes of rules 7 and 8 of the said rules, 1934, the double lock register and the counterpart of the double lock register shall be maintained in the Punjab Form Stereo A and T No. 10 (C).

4. Purchase of Stamps :-

No person shall purchase any stamp required for the purposes of the Act except from the District Officer or from any other officer duly authorised by him to sell such stamps;

Provided

(i) that nothing in this rule shall apply to any person purchasing such a stamp affixed to a ticket for the purpose of admission to an

entertainment;

(ii) that when the proprietorship of an entertainment changes hands it shall be lawful for the new proprietor, after giving due notice to the prescribed officer to purchase from the former proprietor the stock of unused stamps in the latter's possession.

5. Issue of stamps :-

No stamp issued for the purpose of the Act shall be issued to any person by or on behalf of the proprietor of any entertainment otherwise than secured affixed to a ticket issued for the purpose of authorising admission to an entertainment.

6. Price of admission shown on and stamp affixed to ticket :-

Except as provided in rules 17 and 25 every taxable ticket issued on payment for admission to an entertainment shall be clearly marked with the price of admission excluding the tax payable under the Act, and shall also have securely affixed to it a stamp of the value of the tax payable upon the said price of admission. The taxable ticket shall also bear the serial number both at the top () 2 only.

7. Plural tickets :-

(a) Every taxable ticket issued for the purpose of admitting more than one person to an entertainment shall have clearly shown thereon the number of persons to be admitted and shall have affixed to it a stamp or stamps in value to the total tax that would have been payable on tickets for admitting each such person separately.

(b) The stamp or stamps to be affixed to a ticket entitling the purchaser to the exclusive use of a box or similar accommodation shall be of the value of the tax that would be payable upon a ticket of the same price admitting one person to the entertainment.

8. Transfer of seat :-

When the purchaser of any ticket admitting him to one part of an entertainment wishes to transfer to another part of the entertainment for which the price of admission is higher and taxable the proprietor shall issue him a second ticket stamped with a stamp of the value of the difference between the tax leviable on the second ticket and that leviable on the first. The purchaser shall retain the portion of the first ticket returned to him under rule 10.

9. Season tickets :-

(a) Every season ticket or ticket available for more than one entertainment shall have marked thereon the name of the purchaser and the period for which it is available and the stamp to be affixed to such ticket shall be of the value of the tax that would be payable upon the ticket of the same price admitting the purchaser to one entertainment.

(b) No person shall transfer or receive any ticket which has been issued by office of entertainment, or by person duly authorised by the proprietor to issue tickets at a price in excess of that for which including of duty, it was issued.

10. Defacement and destruction of stamps :-

The proprietor shall cause every ticket issued for admission to the entertainment to be collected and the stamp to be defaced by tearing the ticket into two portions across the stamp in which manner that each portion shall show the value of the stamp and the position of the stamp which bears the word Delhi is retained on the ticket book in possession of the proprietors. The other portion shall be returned to the purchaser who shall retain the portion until he has left the place of entertainment. The proprietor shall retain portion in his possession until seven days following the date of Entertainment and shall thereafter cause it to be destroyed in the presence of the Entertainment Tax Inspector, Sub-Inspector and obtain in his endorsement in confirmation on the register D.E.T.I.

11. Torn, Etc. Stamps :-

No ticket bearing a stamp that has been torn, defected or otherwise marked or mutilated shall be issued by the proprietor of an entertainment.

12. Register of stamps :-

Every proprietor of an entertainment shall keep register in form D.E.T.I. and shall record necessary entries thereon so that the register is ready for inspection within an hour from the scheduled time for the commencement of the show. Monthly return on form D.E.T.I. shall be submitted to the District Officer within a period of 7 days following the end of the month during which the entertainments were held.

13. Refund of value of unused stamps :-

The proprietor of an entertainment shall on all applications made to the District Officer within 3 months from the date of purchase of

stamps and in the manner prescribed under rule 15 of these rules be entitled to claim refund of the value of the stamps rendered with the application subject to a deduction of 10 m. P. for each rupee or portion of a rupee of such value.

13A. Refund of damaged or spoiled stamps :-

When any stamps purchased for use under the Acts are damaged or spoiled the purchaser may apply in writing to the officer authorised to sell such stamps. The Officer so authorised on being satisfied that they have not been willfully damaged or spoiled, may allow refund of the value of the stamps tendered with the application subject to deduction of 10 nP. for each rupee or portion of a rupee of such value.

13B. Disposal of unserviceable and obsolete stamps :-

Stamps that are spoiled or unserviceable or have become obsolete or unless due to the increase or decrease in the rate of entertainment tax and cannot be rendered serviceable by over printing etc, shall be destroyed by the District Officer after obtaining sanction of the Government. The procedure laid down in rule 15 (vi) shall be observed in the case of these stamps also.

14. Renewal of damaged or spoiled stamps :-

When any stamps purchased for use under the Act have been damaged or spoiled the purchaser may apply in writing to the officer authorised to sell such stamps who so authorised on being satisfied that they have not been wilfully damaged or spoiled, may given in lieu thereof

(a) other stamps of the same denomination and value or

(b) stamps of any other denomination of the same value.

15. Procedure for the refund of value of unused stamps or renewal of damaged or spoiled stamps :-

(i) An application for refund under rule 13, 13A or for renewal under rule 14 shall be chargeable with a court fee of Rs. 1.25.

(ii) Application for refund or renewal of stamps shall be made personally or by registered post or through an authorised person by a duly attested power of attorney to the District officer and shall furnish the following information

(a) Full name, surname (if any), caste and residence of applicant and the name of the firm, if any, on whose behalf application is

made.

(b) Description and the number of stamps.

(c) Total value.

(d) Date of purchase of stamps.

(e) The place from where the stamps were purchased.

(f) Manner in which the stamps were spoiled or rendered unfit for use.

(g) Whether the application is for refund or renewal.

(h) Date of application.

(iii) The application for refund or renewal shall be received and promptly dealt with in the office of the District Officer under the supervision of the Office of the Head Clerk.

(iv) The application shall be entered in the register in Form D.E.T.I. The Clerk concerned shall examine the application in order to see that:

(a) the application is in the proper form.

(b) the stamps are genuine, and

(c) If the value of stamps tendered for refund or renewal is Rs. 100/- or above, the actual purchase of the stamps is verified from the register of the person authorised to sell stamps or the applicant may be required to file an affidavit setting forth the dates and sources of actual purchase of the stamps and also, if necessary, call for evidences in support of such affidavit. If the clerk concerned finds that the application is incomplete or the stamps for which a refund is claimed or which are required to be renewed, are not enclosed with it, it shall be returned promptly to the applicant after obtaining the orders of the District Officer with the objection recorded on it. If the clerk concerned finds that the application is in order and the papers are complete, he shall, after carefully examining the grounds of the application record a note whether he considers the claim to be admissible, and if so, he shall submit the case along with the register in Form D.E.T. 7 after completing columns 1 to 11. He shall also prepare and submit with the case a refund renewal statement in Form E.T. 8 or 9/D.E.T. 10 and enter (both in words and figures) the amount of the refund after

deducting one anna in the rupee, where this is necessary or of the fresh stamps admissible.

(v) The Office Head Clerk shall carefully check the application and the relevant papers submitted to him and satisfy himself that the various checks prescribed for examining the application and instructions for filling up the register and the refund/ renewal statement referred to in the sub-rule (iv) above, have been duly be served. He shall also see that the rules and orders in this behalf contained in other relevant Manuals, Codes or Acts and other forms issued from time to time are strictly complied with. He shall then record his opinion as to the admissibility of the claim and if he finds the claim to be in order he will sign the refund/renewal statement and fill up columns 12 and 15 of the register and then submit the case with relevant papers to the District Officer.

(vi) The District Officer, shall satisfy himself that the claim is admissible. He may require the applicant to make an oral deposition on oath or solemn affirmation or to file an affidavit setting forth the circumstances in which the claim has arisen and may also if he deems fit call for evidences in support of such deposition or affidavit If he is satisfied that the claim is in order in all respects he shall check the register and the refund/renewal statement with the relevant stamps and see that the amount of refund/fresh stamps to be granted issued is correctly entered both in the register and the refund/renewal statement in such a way that no gap is left to enable the amount to be altered. He shall then have the stamps burnt in his presence and shall record the following certificate in the file and endorse a copy of the same to the Treasury Officer, Delhi. Certified that the Entertainment Tax Stamps of the following denomination and value, tendered by.....have been burnt in my presence on..... Denomination of Stamps Number of Stamps Value of Stamps in words Total (Aggregate value in words and figures) Date..... District Officer At the beginning of each month the District Officer shall furnish to the Accountant Central Revenues, New Delhi, the copies of Destruction certificates granted by him during the previous month to enable him to verify the entries: If the stamps received are in good condition and fit for re-issue these shall be sent to the Treasury Officer with a memo in duplicate in Form D.E.T. II. The District Officer shall then sign the refund/renewal statement and fill up columns 16 and 17 of the register, and return the case to the Head Clerk.

(vii) The Head Clerk shall then arrange to hand over in his presence the refund or renewal statement to the applicant or his or her agent taking his or her acknowledgement in column 18 of the register. He shall then set his initials in column 19 in token of his having done so. When the amount of the refund does not exceed Rs. 100 the money may be remitted . to the applicant by postal money order at his or her expense in accordance with the rules contained in the note to article 198(c) of the Civil Account Code Volume I.

(viii) If the District Officer decides that the refund/renewal is not admissible, he shall record his reason for refusal and return the papers to the Office Head Clerk. The latter shall return the application with stamps to the applicant in the manner laid down in sub-rule (vii) above. If the District Officer calls for further evidence in support of the application a memo, shall be issued to the applicant giving full particulars of the documents required to be furnished.

(ix) After an order has been passed by the District Officer sanctioning the claim or calling for further evidence in support of the application, if the refund/renewal statement is not taken or further evidence required is not furnished by the applicant within one year (or 3 years in the case claim exceeds Rs. 5, in value) of the date of such order, the application with stamps and refund/renewal statement shall be destroyed under the orders and in the presence of the District Officer and the fact noted in column 21 of the register in Form D.E.T.7.

16. Security :-

(i) Every proprietor allowed to avail himself of the provisions of section 4(2) of the Act shall furnish such security to the officer prescribed by the Chief Commissioner in this behalf as that officer may require.

(ii) Every proprietor allowed to avail of the provisions of section 4(2) of the Act, shall observe the following conditions namely:

(a) There shall be serially numbered show wise books of tickets for each class of seats separately for each kind of tickets.

(b) The serial number of such of the above tickets books shall run from 1 to 1,00,000 and this will be repeated in rotation. To start with serial number may not be one in each case, but it will be

between 1 and 1,00,000.

(c) Tickets for all classes of seats shall be sold from one respective book at a time and second book will be brought use only when the first book has been exhausted. No ticket book shall be used for any class or show other than that for which it is meant. A ticket after having been separated/from the counterfoil shall not be pasted or stitched again to the counterfoil nor shall tickets be issued for one show shall be allowed to be used for the next show except under specific orders of the District Officer.

(d) Each ticket book before being brought into use shall be got examined by the Entertainment Tax Inspector or Sub-Inspector who will initial with date on the reverse of the first and the last counterfoils. The last counterfoil of each ticket-book shall be folded diagonally and Booking clerk shall note on the reverse of it the actual total number of tickets sold for the show and will sign it with date.

(e) The counterfoils of all kinds of tickets books shall be retained for a period of three months from the date of issue or until checked by the Inspector or Sub-Inspector whichever is earlier, if any counterfoil during checking, becomes the subject matter of an enquiry that counterfoil will be retained until allowed to be destroyed by the District Officer. The counterfoils shall be kept in safe custody under the charge of the Manager or the person in-charge.

(f) A gate-keeper shall always be present at the gate while the show is on.

(g) All foils of tickets collected by the gate-keeper shall be serially arranged by him by the interval of show and will remain with him till the show is over when they shall be transferred to the custody of the Manager or the person-in-charge and will then be retained till 3 p.m. of the next day when they may be destroyed.

(h) The gate-keeper shall note either in his note-book or on the back of the last foil of the ticket the total number of each kind of ticket collected by him and shall also note the number of tickets missing from his class, if any.

(i) All the prescribed and accounts shall be posted as soon as the Booking is closed and shall be ready for inspection (within the hour from the scheduled time for the commencement of the show).

When the account is ready, the Manager or person incharge shall sign it in token of verification as correct and this account shall be retained by the Manager or the person(s) incharge till the end of each performance and will then be sent back to the Booking Office. After the Booking is closed and the accounts have been posted ordinarily no tickets will be issued but if it is unavoidable to issue tickets, fresh entries will be made at the end of form D.E.T. 2 before the tickets are actually issued.

(j) When the Entertainment Tax of more than one class is the same the holder of the ticket shall be admitted only to the class meant by the ticket with regard to the admission rate. Ticket books should always be available in sufficient number but if by chance a ticket book is exhausted, no authorisation for admission will issue until a new Book has been obtained.

(k) Any change proposed in the number of shows or the times of the shows and any changes proposed in the rates of an admission fee shall always be intimated in time to the District Officer, and necessary sanction obtained.

(l) The Manager or the person incharge of the Entertainment shall be present through out the performance and if in emergency, he has to leave the place temporarily he shall before leaving the performance appoint another person to act for him in his absence and both the relieved and the relieving hand shall also sign in the remarks column of D.E.T. 2.

(m) When a performance is dropped or closed on account of some unforeseen circumstances on the price of the tickets sold has been refunded, a note to this effect shall be made on the original tickets and the statement of account in form D.E.T. 2.

(n) Certified returns in form D.E.T. 2(a) showing the number of tickets and complementary tickets in respect of each class of seats issued and the number of synopsis or programmes issued respectively and the amount payable in accordance with rates prescribed in Section 3(1) of the Act.

17. Unstamped ticket issued under the provisions of 4(2) (a) and (b) :-

Every ticket issued by a proprietor who has been permitted to avail himself of the provisions of section 4(2) (a) and (b) shall have shown upon it the price of admission or if no price or a reduced price of admission is charged the usual price of admission to the

class to which the holder is entitled the amount of tax and the total payable provided that the prescribed officer may exempt of tax and the total payable provided that the prescribed officer may exempt any proprietor upon such conditions and for such periods he thinks fit from the operations of this rule or any part thereof.

18. Return required under section 4(2)(a) and (b) :-

Every proprietor making consolidated payment under section 4(2) (a) or making payment in accordance with return of the payment for admission under section 4(2) (b) shall within 10 days of the date of entertainment, submit to the prescribed officer a return in Form D.E.T. 2, showing the number of tickets issued at each date, the gross amount received from the sale of tickets and the amount of tax collected. He shall if so required by the prescribed Officer also submit to such officer, within 10 days of the date of entertainment a return in Form D.E.T. 2(a), showing the price of programme or synopsis including tax, the number of programme or synopsis issued, the gross amount received from the sale thereof and the amount of tax collected.

19. Return required under section 4(2) (c) :-

When a proprietor is permitted to avail himself of the provisions of section 4(2) (c) he shall submit to the prescribed Officer within ten days of the entertainment return in Form D.E.T. 3 showing the number of persons admitted by the mechanical contrivance, the gross amount including tax paid for admission by such persons and the amount of the tax collected from them.

20. Admission by mechanical contrivance, notice :-

No person shall in any circumstances be admitted by any mechanical contrivance save on payment of the price of admission, inclusive tax. Such price inclusive of tax shall be shown in a conspicuous position on or near the mechanical contrivance, and the fact that the price is inclusive of tax shall also be stated clearly.

21. Payment under section 4(2) :-

All payments made in accordance with the provision of section 4(2) of the Act shall be made to the prescribed officer within ten days of the entertainment at such time and place and in such manner as he shall require.

22. Payment of tax on programmes or synopsis :-

Where payment of a programme or synopsis is compulsory, the tax shall be levied on the total sum paid for admission to the

entertainment including the sum paid for the programme or synopsis. Where payment for a programme or synopsis is voluntary, the tax shall be levied separately on the sum paid for programme or synopsis.

23. Complementary tickets :-

Every proprietor of an entertainment shall submit to the District Officers within three days from the date of performance of the entertainment a return of such tickets in form D.E.T. 5.

24. Exemptions under Section 6(1) and refunds under Section 6(2) :-

(a) Any person claiming exemption, under sub-section (1) of Section 6, from payment of the entertainment tax shall present an application (affixed with a court fee stamps of 1.25 nP.) for such exemption to the District Officer (fifteen clear days before the date of entertainment)

provided that an application may be admitted after the expiry of the period prescribed thereof. If the applicant satisfies the said officer that he had sufficient cause for not performing the application within that period.

(b) Any person claiming under sub-section (2) of section 6 of a refund of the entertainment tax shall present an application for such refund to the District Officer within 15 days from the date of the entertainment. An application for refund not presented within such period shall be rejected.

25. Form of exemption under section 6(1) :-

Where exemption is given under section 6(1) the District Officer shall issue to the proprietor a certificate in form D.E.T. 6 and the proprietor shall comply with the conditions therein stated.

26. Application for exemption :-

All applications for exemption under section 6(3) of the Act shall be made to the Chief Commissioner Delhi not later than fifteen days before the date of the entertainment, [

provided that an application may be admitted after the expiry of the prescribed period thereof, if the application satisfies the said officer that he has sufficient cause for preferring the application within that period.

27. Provision as to persons admitted, without payment :-

Every proprietor of an entertainment admitting a person free of payment or a reduced sum shall issue to such person a ticket showing clearly thereon the full charge for admission to the class to which the person is admitted. The tax shall be paid on such ticket in the same manner as if it were a ticket issued on payment of the full charge and the person admitted shall for the purposes of these rules be deemed to be the purchaser of the ticket

Provided:

(a) That when a child not exceeding three years in age is admitted free of payment he shall be exempted from the payment of the tax;

(b) that when a child exceeding three years but not exceeding twelve years in age is admitted on payment of a reduced sum or free of charge, he shall, in the first case pay the tax only on the sum actually paid by him for admission and be exempt from the rest, and in the second case, on the sum which would have been payable in him if he had not been admitted free. The sum actually paid shall be printed or written on the ticket issued;

(c) that when a person admitted is a soldier, or airman "other than officer" of the United Nations in uniform he shall be exempt from the payment of the tax, Airman Army, and Naval personnel should be allowed exemption when they are in their Regimental corps walking out (Mufti) and on "Defence personnel" shall be printed, stamped or written on the ticket issued to such person;

(d) that were members of the armed forces, with their families and their guests are admitted to a performance organised and produced exclusively for the members of the armed force under the orders of the Government of India, then the aforesaid shall be exempt from payment of the tax;

(e) Every such ticket shall be collected and dealt with in the manner provided in rule 10 for tickets on which duty has been paid. The proprietor shall submit to the District Officer within three days of the date of entertainment, a return of tickets in Form D.E.T. 4.

(f) The proprietor shall not admit any person to the entertainment without payment unless that person is the holder of a badge issued by the proprietor, entitling him to be admitted without payment and clearly marked the name of the cinema and the number of the badge. Badges shall be issued by the proprietor only to his

bonafide employee at the place of entertainment; and

(g) no person shall enter or otherwise obtain admission to an entertainment without payment of tax unless he is the holder of such a badge as aforesaid.

28. Production of tickets :-

A person who has been admitted to an entertainment in respect of which the tax due is not payable in accordance with the provisions of section 4(2) of the Act shall upon demand made during the course of or immediately before or after the entertainment produce to any officer authorised under section 8 of the Act, the ticket, badge, card of membership, voucher or document by means of which he was admitted or a portion of ticket by means of which he was admitted bearing a stamp defaced in accordance with these rules or the stamped cover of the book or the stamped principal part of the sheet from which the ticket by means of which he was admitted was taken.

29. Transfer to different parts of place of entertainment :-

Any reference in these rules to admission to a place of entertainment or to a person admitted to a place of entertainment shall so far as may be deemed to include a reference to the admission to another part of the place of entertainment for admission to which part payment involving tax or more tax is required, of a person who has been admitted to one part of that place of entertainment and to such a person admitted to such another part of the place of entertainment and these rules shall have effect accordingly.

30. Inspection of books etc :-

(1) Any officer duly empowered in this behalf by the Chief Commissioner may at any time require the proprietor of an entertainment to produce for inspection all his books and records, and all tickets or portions of tickets in his possession relating to the entertainment.

(2) Under the provisions of this rule the District Officer is hereby empowered to call upon the proprietor of an entertainment to produce for inspection all his books and records and all tickets or portions of tickets in his possession relating to such entertainment.

31. Power to enter place of entertainment :-

(a) The District Officer and any other officer not below the rank of Excise and Entertainment Sub-Inspector, Assistant Collector of the second grade and Assistant Sub-Inspector of Police duly authorised by the Deputy Commissioner or the District Officer in this behalf, may enter any place of entertainment while the entertainment is proceeding at any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of the Act or these rules are being complied with. Every such officer authorised by the District Officer shall have in his possession a permit signed by the District Officer authorising him in this behalf.

(b) An Entertainment Tax Officer not below the rank of Entertainment Sub-Inspector will be authorised to lodge complaint to the court for any irregularity noticed in any place of entertainment.

32. Refund of duty when entertainment is not completed :-

When an entertainment is not completed and the District Officer is satisfied the proprietor has returned to all the persons admitted to the entertainment on payment both the price of admission and the duty charged under the Act he may on application made by the proprietor within three days of the date of entertainment:

(a) remit the duty, if payment was to be made under section 4(2) of the Act; or

(b) If duty was paid under section 4(1) of the Act, proceed under rule 13A or rule

14, as the case may be on production of the portion stamps to be returned by the proprietor under rule 10.