

## **Delhi Value Added Tax (Amendment) Act, 2009**

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## **Delhi Value Added Tax (Amendment) Act, 2009**

An Act to further amend the Delhi Value Added Tax Act, 2004 BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixtieth Year of the Republic of India as follows:-

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Delhi Value Added Tax (Amendment) Act, 2009.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

### **2. Amendment Of Section 4 :-**

In the Delhi Value Added Tax Act, 2004 (Delhi Act 3 of 2005) (hereinafter referred to as "the principal Act"), in Section 4, in sub-section (1), for clause (b), the following clause shall be substituted, namely:-

(b) in respect of goods specified in the Third Schedule, at the rate of five paise in the rupee:

Provided that tax shall be paid at the rate of four paise in the rupee of the taxable turnover of the dealer pertaining to declared goods, as defined from time to time in the Central Sales Tax Act, 1956(74 of 1956);".

### **3. Amendment Of Section 9 :-**

In the principal Act, in Section 9,-

(a) in sub-section (1), for the words "where the purchase arises", the words "to the extent of proportion of the goods which have been put to sale" shall be substituted

(b) in sub-section (2), after clause (f), the following clause shall be inserted, namely:-

"(g) to the dealers or class of dealers unless the tax paid by the purchasing dealer has actually been deposited by the selling dealer with the Government or has been lawfully adjusted against output tax liability and correctly reflected in the return filed for the respective tax period."

#### **4. Amendment Of Section 10 :-**

In the principal Act, in Section 10, after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) Where the goods which have been purchased by a dealer are sold at a price lower than the price at which it was purchased by the dealer, the tax credit on such purchases shall be reduced proportionately in the tax period during which the goods are sold.

Explanation: The tax credit claimed on a particular purchase shall not exceed the amount of tax payable on its sale."

#### **5. Amendment Of Section 74 :-**

In the principal Act, in Section 74, in sub-section (10), for the Word "five", the word "six" shall be substituted.

#### **6. Amendment Of Section 74A :-**

In the principal Act, in Section 74A, after sub-section (4), the following sub-section shall be Inserted, namely "(5) Notwithstanding anything contained in any judgment, decree or order of any court, the provisions of this section shall be deemed to have come into effect with effect from the 1st April, 2005."

#### **7. Substitution Of New Section For Section 103 :-**

In the principal Act, for Section 103, the following section shall be substituted, namely

"103. Power to amend Schedules.-

(1) If the Government is of opinion that it is expedient in the interest of general public so to do, it may, by notification in the

Official Gazette, add to, or omit from, or otherwise amend, the First, the Second, the Third, the Fourth, the Fifth, the Sixth, or the Seventh Schedules, either retrospectively or prospectively, and thereupon the said Schedules shall be deemed to have been amended accordingly:

Provided that no such amendment shall be made retrospectively if it would have the effect of prejudicially affecting the interests of a dealer.

(2) The Commissioner may, on the recommendation of the Ministry of External Affairs, Government of India, if he is of opinion that it is expedient in the interest of general public so to do, by a notification in the Official Gazette, add to, or omit from, or otherwise amend, the Sixth Schedule."