

## **Delhi Value Added Tax (Fourth Amendment) Act, 2012**

### CONTENTS

1. Short title, extent and commencement
2. Amendment of section 2
3. Amendment of section 36A
4. Amendment of section 58A
5. Amendment of section 95

## **Delhi Value Added Tax (Fourth Amendment) Act, 2012**

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 Sixty-third 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 (Fourth Amendment) Act, 2012.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such <sup>1</sup>date as the Government may, by notification in the official Gazette, appoint.

1. Effective from 16.01.2013 vide Notification No. 3(9)/Fin.(Rev-1)/2012-13/dsv1/34-39 dated 15.01.2013.

### **2. Amendment of section 2 :-**

In the Delhi Value Added Tax Act, 2004, (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (zd), in

sub-clause (vii).

(a) the provisos before the Explanation shall be omitted.

(b) the Explanation. shall be numbered as Explanation.-1, after Explanation.-1 so re-numbered, Explanation.-2 shall be inserted, namely:-

"Explanation.-2 The amount received or receivable by oil marketing companies for the sale of diesel and petrol shall be deemed to be equivalent to the price on which the retail outlets will sell these commodities to the consumer."

### **3. Amendment of section 36A :-**

In the Principal Act, In section 36A,-

(i) In sub-section (1), for the word two occurring after the word of and before the word percent the word four shall be substituted.

(ii) In sub-section (1), proviso shall be omitted.

(iii) In sub-section (1A), for the word two occurring filler the word to and before the word percent the word four shall be substituted.

(iv) In sub-section (1A), proviso shall be omitted.

### **4. Amendment of section 58A :-**

In the Principal Act, in section 58A,-

(i) In sub-section (1), the words "at any stage of the proceeding under this Act," occurring after the word "If," shall be omitted

(ii) for sub-section (2), the following shall be substituted, namely:-  
"(2) The expenses of, and incidental to, the examination and audit of records under sub-section (1), (Including the remuneration of the accountant or a panel of accountants or professional or panel of professionals) shall be determined and paid by the Commissioner

and that determination shall be final."

## **5. Amendment of section 95 :-**

In the Principal Act, in section 95,-

(i) for the title the following shall be substituted, namely:-

"Dealer to declare the name of manager of business, Permanent Account Number and IEC (Importer Exporter Code)".

(ii) for sub-section (3), the following shall be substituted, namely:-

(3) "Every dealer at the time of applying for registration under this Act shall mention the Permanent Account Number (PAN) obtained under the Income Tax Act, 1961 (43 of 1961):

PROVIDED that the dealers already registered under the Act shall intimate Permanent Account Number (PAN) obtained under the Income Tax Act, 1961 (43 of 1961) in the prescribed form, within two months of notification of the amendment.

(3A) Every dealer liable to pay tax under this Act and having an IEC (Importer Exporter Code) under The Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992), shall mention the IEC (Importer Exporter Code), at the time of applying for registration under this Act,:

PROVIDED that the dealers already registered under the Act and having IEC (Importer Exporter Code) under the foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992) shall intimate the details in the prescribed form, within two months of notification of this; amendment:

PROVIDED FURTHER that every dealer registered under the Act, who obtains an IEC (Importer Exporter Code) under the Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992), subsequently shall provide the IEC details in the prescribed form, within 15 days of obtaining the IEC."

(iii) for sub-section (4), the following shall be substituted, namely:-

(4) "Any person who fails to furnish a declaration or, as the case may be, a revised declaration as provided in sub-section (1) and sub-section (2) of this section or fails to provide details of the Permanent Account Number obtained under the Income Tax Act, 1961, (43 of 1961), as provided in sub section (3) of this section or

frills to provide the IEC (Importer Exporter Code) under The Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992) as provided in sub-section (3A) of this section, shall be liable to pay, by way of penalty, sum equal to Rupees one thousand per week of default subject to a maximum of fifty thousand rupees."