

Jharkhand Value Added Tax (Amendment) Act, 2006

21 of 2006

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An Act to amend Jharkhand Value Added Tax Act 2005 (Jharkhand Act 05, 2006), in regard to its applicability and enforcement within the State of Jharkhand. Be it enacted by the legislature of the State of Jharkhand in 57th year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

(i) This Act may be called the Jharkhand Value Added Tax (Amendment) Act 2006 (ii) It shall extend to the whole of the State of Jharkhand. (iii) It shall be deemed to have come into force w.e.f 01.04.2006.

2. Amendment In Clause (Xxix) Of Section 2 I.E. Definition Of Input Tax After The Second Proviso; A New Proviso As Under Shall Be Added :-

"Provided further, that tax charged at Maximum Retail Price; shall

not be treated as Input Tax, for the purpose of resellers, when reselling medicines or drugs, specified in the Drugs (Prices Control) Order 1995."

3. Insertion Of Explanation Iv Into The Definition Of Sale Price Vide Clause (Xlviii) Of Section-2 :-

After the existing explanation (III) of clause, (xlvi) of Section 2 of this Act, a new explanation shall be inserted, as follows:-
Explanation IV-For the purpose of this clause, the expression "sale price" shall mean, the maximum retail price, as referred to in clause (xxxiii) of Section 2 of this Act, for a dealer, selling goods, specified in Drugs (Prices Control) Order 1995, to any other dealer.

4. Section 4 :-

Insertion of new provision as clause (e) in sub-section (5) of Section 8, and substitution of word "or" in place of word "and" in clause (b) of Sub-section (6) of Section 8, "(e) is engaged in any other sales or purchases or class of sales or purchases: other than (a), (b) and (c); the specified quantum shall be, as specified in this behalf, from-to-time." Substitution of the word "or" for the word "and" in clause (b) of sub-section (6) of Section 8, which shall read as under :- "(b) the turnover shall include all sales or purchases made by a dealer on his own account and also on behalf of principals whether disclosed or not."

5. Deletion Of The Proviso Of Sub-Section (1) Of Section 9, And Inclusion Of A New Sub-Section (2) After The Existing Sub-Section (1) :-

(a) The proviso of sub-section (1) of Section 9 shall be deleted. (b) After the sub-section (1) of Section 9, a new sub-section (2) shall be inserted as follows : - "(2) Notwithstanding anything contained in this Section, any registered dealer, who imports into or manufactures Medicines and Drugs; as specified in the Sl. No. 85 of the Part B of Schedule II, excluding Bulk Drugs and Non Drugs (Prices Control) Order 1995 Medicines, such as Ayurvedic, Siddha, Unani or Homeopathic medicines, appended to the Act; in Jharkhand, may, at his option, pay, tax at the full rate on the Maximum Retail Price of such goods, in lieu of tax payable by him under Sub-section(1) of Section 9 of the Act. Provided that where a dealer has purchased such goods - (a) from an importer or a manufacturer upon payment of tax at the maximum retail price of such goods; or (b) from another registered dealer, where tax on the maximum retail price of such goods was paid in Jharkhand at

an earlier stage, the purchasing dealer, while making resale of such goods in Jharkhand, shall, notwithstanding anything contained elsewhere in the Act, be entitled to recover from the buyer, the amount of tax paid by him at the time of purchase of such goods, under such conditions and restrictions, and in such manner, as may be prescribed or notified in this behalf. Provided further that the dealer making resale of such goods, shall not levy any tax payable under the Act, on such goods." Provided further that if dealers opt to pay tax on maximum retail price; no input tax credit shall be admissible to the subsequent purchasing dealers. (c) The existing sub-section (2) & (3) shall be renumbered as sub-section (3) & (4).

6. Amendment In Section 18 :-

In clause (iii) of sub-section (4) of Section 18, after the words raw material the punctuation mark comma and word "or" shall be substituted by the word "and",

7. Amendment And Substitution Thereof In Section 22 As Under :-

In the title of this Section, the word Retailers shall be substituted by the word Dealers After the second proviso, the third proviso shall be inserted as follows: - "Provided further that if the Government considers it necessary to do so, in the public-interest, may allow any registered dealer, who may be a manufacturer to pay presumptive tax, notified in this behalf, with certain conditions and restrictions for a specific period."

8. Amendment And Substitution Thereof In Section 23 As Under :-

"The Government may, by notification, add to or delete or amend or alter any of the items in the Schedules appended to this Act"

9. Amendment In Section 58 :-

In sub-section (3) of (his Section, the figure 29 and the punctuation mark comma shall be deleted.

10. Amendment In Section 69 :-

(i) The Clause (i) of sub-section (2) of Section 69 shall be deleted.
(ii) "The existing clause (ii) and clause (iii) of sub-section (2) of Section 69 shall be renumbered as clause (i) and clause (ii) of sub-section(2) of Section 69."

11. Repeal And Savings :-

(1) The Jharkhand Value Added Tax (Amendment) Ordinance, 2006 (Jharkhand Ordinance 1, 2006) is hereby repealed. (2)

Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by, or under the said ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this act is if this act were inforce on the day on which such thing was done or action taken.