

Karnataka Taxation Laws (Amendment) Act, 2002

5 of 2002

[30 March 2002]

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An Act further to amend certain taxation laws as in force in the State of Karnataka. Whereas it is expedient further to amend certain taxation laws for the purpose hereinafter appearing: Be it enacted by the Karnataka State Legislature in Fifty-third year of the Republic of India, as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Karnataka Taxation Laws (Amendment) Act, 2002.
- (2) It shall come into force with effect from the first day of April, 2002.

2. Amendment Of Karnataka Act 22 Of 1957 :-

In the Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957),

(1) in Section 18, in sub-section (1), after the proviso, the following proviso shall be inserted, namely -

"Provided further that the return of agricultural income for the previous year ending on the 31st day of March, 2001, shall be filed

before the expiry of Sixteen months from the end of such previous year ".

(2) in Section 66,

(a) in sub-section (5), the words, figure and brackets "and shall continue to be in force for the next two years immediately following or until such time the extent of land holding exceeds the maximum specified in sub-section (1), whichever is earlier" shall be omitted.

(b) in sub-section (6), the words "of three years" shall be omitted.

3. Amendment Of Karnataka Act 25 Of 1957 :-

In the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957). -

(1) in Section 2, in sub-section (1), for clause (f-1b), the following shall be substituted, namely.-

" (f-1b) Brand name means a name or trade mark registered or pending registration or pending registration of transfer under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958) and includes a name or a mark such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and a dealer whose total turnover during any year exceeds one hundred lakh rupees, using such name or mark with or without any indication of the identity of the said dealer; "

(2) in Section 3-A, in sub-Section (3), before the words "Joint Commissioner", the words "Additional Commissioner or" shall be inserted;

(3) after Section 3-C, the following section shall be inserted, namely.-

" 4. Provision for clarification and advance rulings .-

(1) The Commissioner may constitute a State level Authority for Clarification and Advance Rulings, (here in after referred to in this section as Authority) consisting of three Additional Commissioners, to clarify the rate of tax applicable under this Act in respect of any goods liable to tax under the Act or the eligibility of any transaction to tax under the Act on an application by a dealer registered under the Act.

(2) The application shall be in such form and shall be accompanied by proof of payment of such fee, paid in such manner, as may be prescribed.

(3) An applicant may withdraw an application within thirty days from the date of application.

(4) On receipt of an application, the Authority shall cause a copy thereof to be forwarded to the assessing or registering authority concerned and call for any information or records.

(5) The Authority may, after examining the application and any records called for, by order, either, allow or reject the application. Provided that the Authority shall not allow the application where the question raised in the application,-

(i) is already pending before any officer or authority of the Department or Appellate Tribunal or any Court;

(ii) relates to a transaction or issue which is designed apparently for the avoidance of tax.

Provided further that no application shall be rejected under this sub-Section unless an opportunity has been given to the applicant of being heard and where the application is rejected, reasons for such rejections shall be recorded in the order.

(6) A copy of every order made under sub-Section (5) shall be sent to the applicant and the officer concerned.

(7) Where an application is allowed under sub-Section (5), the Authority shall after examining such further material as may be placed before it by the applicant or obtained by the Authority, pass such order as deemed fit on the questions specified in the application, after giving an opportunity to the applicant of being heard, if he so desires. The authority shall pass an order within four weeks of the receipt of any application and a copy of such order shall be sent to the applicant and to the officer concerned.

(8) No officer or any other authority of the Department or the Appellate Tribunal shall proceed to decide any issue in respect of which an application has been made by an applicant under this Section and is pending.

(9) The order of the Authority shall be binding only,-

(i) on the applicant who had sought clarification;

(ii) in respect of the goods or transaction in relation to which a clarification was sought; and

(iii) on all the officers other than the Commissioner.

(10) The order of the Authority under sub-section (7) shall be binding as aforesaid unless there is a change in law or facts on the basis of which the order was passed.

(11) Where the Authority on a representation made to it by any officer or otherwise finds that an order passed by it was obtained by the applicant by fraud or misrepresentation of facts, it may, by order, declare such order to be void ab initio and thereupon all the provisions of this Act shall apply to the applicant as if such order

had never been made.

(12) A copy of the order made under sub-Section (11) shall be sent to the applicant and the Commissioner or the officer concerned."

(4) in Section 5,

(i) in sub-Section (1), for the words, "ten per cent", the words "twelve per cent" shall be substituted.

(ii) in sub-Section (1-B), for the words, "ten per cent", the words "twelve per cent" shall be substituted

(iii) in sub-section (3), in clause (a), after the fifth proviso, the following shall be inserted, namely.-

" Provided also that where goods are sold, under a brand name by the trade mark holder or the brand name holder or any other dealer having the right as proprietor or otherwise to use the said name or trade mark either directly or through another on his own account or on account of others, exclusively to a marketing agent or distributor or wholesaler or any other dealer, subsequent sale of such goods by the latter shall also be liable to tax under this Section and the tax so payable shall be reduced by the amount of tax already paid on the sale of such goods by the former.

(iv) sub-section (3-CC) shall be omitted.

(v) in sub-Section (4) the words "and only at the point", shall be omitted.

(5) in Section 5-A, Explanation II shall be and shall be deemed always to have been omitted;

(6) for Section 5-A , the following shall be substituted, namely,-

"5-A. Taxation of Industrial Inputs.-

(1) Notwithstanding anything contained in Section 5, the tax payable by a registered dealer, in respect of the sale of any industrial input liable to tax under the Act to another registered dealer for use by the latter as a component part or raw material or packing material of any other goods which he intends to manufacture inside the State for sale or in respect of sale of consumables liable to tax under the Act to another registered dealer for use in such manufacture, shall be at the rate of four percent or the rate specified in Section 5, whichever is lower, on the taxable turnover relating to such sale.

Provided that where the rate of tax in respect of such industrial input as specified in Section 5 is four percent and above , the provisions of this sub-Section shall not apply, unless the dealer selling the industrial inputs furnishes to his assessing authority in the prescribed manner a declaration by the buying dealer in the prescribed form obtained from the prescribed authority or where

the buying dealers total turnover for the year ending thirty first day of March 2001 as declared in the return for such period exceeds one hundred lakhs rupees, such buying dealer shall give a declaration in such form and in such manner as may be prescribed. Provided further that if any dealer, after purchasing any inputs, in respect of which he has furnished a declaration under the first proviso to this Sub-section fails to make use of the whole or part of such inputs in the manufacture of other goods specified in the declaration before the expiry of the accounting year immediately succeeding the one in which such inputs are purchased, either due to cessation of his manufacturing activity or for any other reason, but has not sold away such inputs, he shall be liable to pay the difference between the tax payable at the rate specified under Section 5 and the tax computed at the rate of four percent on the turnover relating to the sale of such quantity of these inputs to him as have remained unutilized with him for the declared purpose at the end of the period specified above.

(2) Notwithstanding anything contained in clause (b) of sub-Section (3) of Section 5 or Section 6, the tax payable by a registered dealer in respect of the purchase of any Industrial input liable to tax under the Act for use by him as a component part or raw material or packing material of any other goods which he intends to manufacture inside the State for sale shall be at the rate of four percent or the rate specified in Section 5, whichever is lower, on the taxable turnover relating to such purchase.

(3) If any person :

(i) not having his manufacturing unit inside the State , purchases any inputs by furnishing a declaration under the first proviso to sub-Section (1) or pays tax on purchase of inputs under sub-Section (2); or

(ii) having his manufacturing unit inside the State and having purchased any inputs by furnishing a declaration under the first proviso to Sub-section (1) or paying tax on purchase of any inputs under sub-Section (2), sells away such inputs contrary to such declaration or condition, the assessing authority, after giving such person a reasonable opportunity of being heard, shall, by order in writing, impose upon him by way of penalty a sum, which shall not be less than the amount of tax leviable under Section 5 on the sale of the inputs so purchased or tax leviable under clause (b) of subsection (3) of Section 5 or Section 6 on the inputs so purchased, but which shall not exceed one and half times the amount of such tax;

(iii) having his manufacturing unit inside the State and having purchased any inputs by furnishing a declaration under first proviso to sub-Section (1) or having paid tax on any inputs under sub-Section (2), uses such inputs contrary to such declaration or , the assessing authority, after giving such person a reasonable opportunity of being heard, shall, by order in writing, impose upon him by way of penalty a sum which shall not be less than twice the amount of tax leviable under Section 5 or 6 but not exceeding two and half times the amount of such tax on the inputs so purchased.

(4) (a) Every dealer who, during the course of the year, purchases any inputs by furnishing a declaration under the first proviso to sub-Section (1), shall maintain in the prescribed manner a regular account of the receipt and issue of such declaration forms as are received or issued by him.

(b) Every such dealer shall also submit a statement as prescribed containing particulars of such purchases in any month to the assessing authority along with the statement to be submitted under section 12-B.

(c) Every such dealer shall also maintain in the prescribed manner an account giving the opening balance, purchases, consumption and closing balance of every input, which is purchased by him by furnishing a declaration under the first proviso to sub-Section (1) or purchased by him under subsection (2).

(d) If any dealer fails to maintain, in the prescribed manner, true and complete accounts or submit a statement as required by clause (a) or clause (b) or clause (c) of this sub-Section, the assessing authority shall, after giving such dealer a reasonable opportunity of being heard pass an order,-

(i) disentitling such dealer from making use of any declaration forms prescribed under the first proviso to subsection (1) and requiring him to surrender forthwith the declaration forms already issued to him, if any or disentitling such dealer to pay tax on inputs under sub-Section (2); and

(ii) imposing upon him a penalty not below one half of the amount of tax payable but not exceeding the amount of tax leviable, under the provisions of Section 5 on the sale value of the inputs already purchased by him against prescribed declaration forms up to the date of surrender of the unused forms by him or under the provision of Section 5 or Section 6 on the purchase value of inputs already purchased by him under sub-Section (2) up to the date of disentitlement.

(e) If any dealer, in respect of whom an order has been passed

under clause (d), of this sub-Section, pays the penalty and complies with other terms of such order, the assessing authority may, in his discretion, permit such dealer, to obtain the prescribed declaration forms afresh or issue the prescribed declaration forms and to make use of the same for the purchase of inputs in the State at concessional rate of tax or to pay tax under sub-Section (2) on purchase of inputs.

Explanation :

(1) For the purpose of this Section, the expressions `industrial inputs` or inputs, mean either a `Component part` or `raw material` or packing material, but do not include Cement, and inputs falling under Serial Number 12 of Part `S` and Serial Number 10 of Part `M` of the Second Schedule.

(2) The expression `component part` means an article which forms an identifiable constituent of the finished product and which along with others, goes to make up the finished product.

(3) The expression `raw material` means any material-

(a) from which another product can be made, through the process of manufacture, either by itself or in combination with other raw materials; or

(b) a processing or any other chemical solvent (including chemicals used for testing, analysis or research) used in the solvent extraction process or a catalyst required in the manufacturing process, but it does not include fuels, and consumable stores of similar type.

(4) The expression `Consumables` does not include petroleum products falling under Serial Number 11-A of Part F, Serial Number 12 of Part M and Serial Number 5 of Part P of Second Schedule. "

(7) in Section 6-A, in sub-Section (2),

(i) after the proviso, the following shall be deemed and deemed to have always been inserted namely,-

"Provided further that, in respect of any assessments other than an assessment already completed, for the years ending Thirty First day of March, 1996 and Thirty First day of March 1997, the buying dealer may prove, in the prescribed manner, that the goods purchased have already been subjected to tax notwithstanding his failure to furnish the declaration specified. "

(ii) the provisos shall be omitted.

(8) for Section 6-B, the following shall be substituted, namely,-

"6-B. Levy of resale tax.-

Every registered dealer and every dealer who is liable to get himself registered under sub-Sections (1) and (2) of Section 10 whose total turnover in a year is not less than the turnovers

specified in the said sub-Sections, shall be liable to pay tax at the rate of one and half per cent of such portion of the total turnover which is not liable to tax under Sections 5, 5-A, 5-B, 5-C or 6.

Provided that no tax under this sub-Section shall be payable on that part of such turnover which relates to,-

- (i) sale or purchase of goods specified in the Fifth Schedule;
- (ii) sale or purchase of goods in the course of interstate trade or commerce;
- (iii) sale or purchase of goods in the course of export out of the territory of India or sale or purchase in the course of import into the territory of India;
- (iv) all amounts collected by way of tax under the provisions of this Act or the Central Sales Tax Act, 1956 (Central Act 74 of 1956);
- (v) all amounts falling under the head `Freight`, when specified and charged for by the dealer separately without including such amounts in the price of the goods sold;
- (vi) all amounts allowed as discount, provided that such discount is allowed in accordance with the regular practice of the dealer or is in accordance with the terms of a contract or agreement entered into a particular case and provided also that the accounts show that the purchaser has paid only the sum originally charged less discount;
- (vii) (a) all amounts allowed to purchasers in respect of goods returned by them to the dealer when the goods are taxable on sales provided that the goods were returned within a period of six months from the date of delivery of the goods and the accounts show the date on which the goods were returned and the date on which and the amount for which refund was made;
- (b) all amounts received from the sellers in respect of goods returned to them by the dealer, when the goods are taxable on the purchase value provided that the goods were returned within a period of six months from the date of delivery of the goods and the accounts show the date on which the goods were returned and the date on which and the amount for which refund was received;
- (viii) such amounts towards labour charges and other like charges not involving any transfer of property in goods, actually incurred in connection with the execution of works contract, or calculated at the rates prescribed;
- (ix) all amounts realized by a dealer by the sale of his business as a whole;
- (x) the total amount paid or payable by the dealer as a consideration for the purchase of any of the goods in respect of which tax is leviable at the point of sale;

(xi) the total amount paid or payable to the dealer as a consideration for the sale of any of the goods in respect of which tax is leviable at the point of purchase;

Provided further that, save as otherwise provided in this sub-Section, no other deduction shall be made from the total turnover of a dealer for the purposes of this Section.

(2) The provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the assessment, collection or refund of the resale tax, as they apply in relation to the assessment, collection or refund of tax under the other provisions of this Act."

(9) Section 6-D shall be omitted;

(10) in Section 8-A, in clause (a) of sub-Section (5), after the words, "a sum", the words "not less than one half but" shall be inserted.

(11) in Section 12, in sub-Section (4),

(a) in clause (a), for the words, "one and a half times", the words, "an amount equivalent to the tax due" shall be substituted;

(b) in clause (b), for the words, "one and half times", the words "an amount equivalent to tax but not less than one half of " shall be substituted;

(c) in clause (c), for the words, "one and a half times ", the words, "an amount equivalent to the tax due" shall be substituted;

(12) in Section 12-A, in sub-Section (1-A), for the words, "one and a half ", the words "an amount equivalent to tax but not less than one half of" shall be substituted;

(13) in Section 12-B, in sub-Section (4), the words, "one and half times", shall be omitted;

(14) in Section 12-C, in sub-Section (1),

(a) in clause (a),

(i) after the words "selling of goods", the words "whose total turnover in a year is not more than fifty lakh rupees, " shall be inserted;

(ii) after sub-clause (iv), the following shall be inserted, namely.-

"(v) such dealer has got his accounts audited under Section 26-A and submitted to the assessing authority a copy of the audited statement of accounts and certificates in the prescribed manner."

(b) in clause (b),

(a) for the words, "twenty-five lakhs", the words "one hundred lakhs" shall be substituted;

(b) after sub-clause (ii), the following shall be inserted, namely.-

"(iii) such dealer has got his accounts audited under Section 26-A

and submitted to the assessing authority a copy of the audited statement of accounts and certificates in the prescribed manner."

(15) after Section 12-D the following shall be inserted, namely.-

"12-E. Re-assessment in certain cases.-

(1) Where an assessee within one year from the service of a notice of demand makes an application that failure to furnish declarations prescribed under Section 5-A prevented him from claiming the concessional rate of tax on sale of inputs, the assessing authority shall cancel the assessment and proceed to re-assess such assessee to the extent of claims made under Section 5-A.

Provided that no application under this subsection shall be entertained by the assessing authority if the tax assessed is not paid and the declarations prescribed under section 5-A are not furnished together with such application.

(2) Nothing contained in sub-section (1) shall apply to an assessment which has been made the subject - matter of an appeal under Section 20.

(3) No appeal shall lie under Section 20 against an order passed under this Section.

(4) Every order passed under this Section, shall subject to the provisions of Sections 22, 23, 24 and 25-A, be final."

(16) in Section 13, explanation to sub-Section (2) shall be renumbered as Explanation-I and after Explanation-I as so renumbered, the following Explanation shall be and shall be deemed always to have been inserted, namely.-

"Explanation - II. - For the purpose of this subsection non-payment during any period during which recovery of any tax or other amount due under the Act is stayed by an order of any authority or Court in any appeal or other proceedings disputing such tax or amount, shall be deemed to be a default."

(17) in Section 17,-

(i) in sub-section (4),

(a) in clause (i), for the words " or a dealer being a woman catering food and drinks", the words " or a dealer catering food and drinks in places other than where liquor including beer is served (excluding in the premises of a club registered under the Karnataka Societies Registration Act, 1960) or a registered club including a dealer serving food and drinks in the premises of such club" shall be substituted.

(b) in clause (ii), for the words " or a dealer being a woman catering food and drinks", the words " or a dealer catering food and drinks or a registered club including a dealer serving food and

drinks in such club" shall be substituted.

(ii) for sub-Section (7), the following shall be substituted, namely.-

" (7) Nothing contained in sub-Section (6) shall apply to a dealer who purchases or receives goods from outside the State for the purpose of using such goods in the execution of works contract. "

(ii) in sub-section 10, for the table, the following shall be substituted, namely.-

" TABLE

Sl. no	Type of draw	Rate per draw
1.	Weekly Draw	Fifteen thousand rupees
2.	Fortnightly Draw including any draw the period which is more than a week but less than a fortnight.	Forty thousand rupees
3.	Monthly Draw including monthly Bumper Draw and every draw the period of which is more than a Fortnight but less than a month.	Seventy thousand rupees
Sl. no	Type of draw	Rate per draw
4.	Special Bumper Draw or Festival Bumper Draw including any other draw not covered by any other category and any draw the period of which is more than a month.	One lakh and seventy five thousand rupees

(18) in Section 18, sub-Section (3) shall be omitted;

(19) in Section 18-A, for the words, "not exceeding one and a half times", the words "not less than one half but not exceeding an amount equivalent to " shall be substituted;

(20) in Section 20, in sub-section (5),

(i) in clause (a), after sub-clause (ia), the following shall be inserted, namely.-

"(ii) set-aside the assessment and direct the assessing authority to make a fresh assessment after such further enquiry as may be directed; "

(ii) the following proviso shall be and shall be deemed to have been inserted with effect from the First day of April, 2001, namely.-

" Provided that the appellate authority shall not set aside any assessment and direct the Assessing Authority to make a fresh assessment."

(iii) for the proviso so inserted, the following proviso shall be substituted, namely.-

" Provided that the appellate authority shall not set-aside any assessment for not more than one time and, such fresh assessment shall be completed within a period of ninety days from the date of receipt of records after such remand. "

(21) in Section 21, the proviso to sub-Section (2) shall be omitted;

(22) in Section 22,

(i) sub-Section (3-A), shall be omitted.

(ii) in sub-Section (5), after the proviso, the following shall be inserted, namely.-

"Provided further that the Appellate Tribunal may, in case of any appeal against an order passed by the Deputy Commissioner or Joint Commissioner under Section 20, in its discretion, stay payment of one half of tax, if the appellant makes payment of the other half of the tax disputed:

Provided also that the Appellate Tribunal shall dispose of such appeal falling under second proviso within a period of one hundred eighty days from the date of the

order staying proceedings of recovery of one half of tax and, if such appeal is not so disposed of within the period specified, the order of stay shall stand vacated after the said period. "

(23) In section 24 in sub-section (1), after the words, figures and letter "under section 22A" the words and figure "or a dealer aggrieved by the order of the Authority under section 4 " shall be inserted.

(24) in Section 28, in sub-section (3-A), in clause (iv).-

(i) for the words and punctuation marks " levy a penalty, which .- ", the words " levy a penalty which shall not be less than double the amount of tax leviable and not exceeding three times the amount of tax leviable in respect of the goods stocked. " shall be substituted;

(ii) sub-clauses (a) and (b) excluding the proviso shall be omitted.

(25) in Section 28-A,

(i) in sub-section (2) the following proviso shall be inserted, namely,-

" Provided that where the sellers total turnover for the year ending Thirty first day of March 2001 as declared in the return for such period is not less than fifty lakh rupees, or where the goods are carried within the limits of a local authority or an industrial area not as a result of sale, the delivery note shall be the one in the prescribed form permitted to be so issued by him."

(ii) in sub-Section (4), for the words, "levy a penalty which shall not be less than double the amount of tax leviable and not exceeding three times the amount of tax leviable in respect of goods under transport ", the following shall be substituted, namely.-

" levy a penalty, which, -

(a) shall not be less than the amount of tax leviable but shall not exceed one and half of the amount of tax leviable in respect of the goods under transport in contravention of clause (e) of sub-section (2), if a dealer registered under the Act accepts that he is the consignor or consignee of the goods,

(b) in cases other than those falling under clause (a), shall not be less than double the amount of tax leviable but shall not exceed three times the amount of tax leviable in respect of the goods under transport . "

(iii) in sub-section (7), for clause (a) including the proviso, the following shall be substituted namely,

" (a) The person aggrieved by the levy of penalty under this section may, appeal within thirty days from the date on which the notice of penalty was served on the person, -

(i) to the Appellate Joint Commissioner of Commercial Taxes of the area, if the levy made is by a Deputy Commissioner of Commercial Taxes or by an Assistant Commissioner of Commercial Taxes; and

(ii) in other cases to the Appellate Deputy Commissioner of the area concerned.

Provided that where the person aggrieved is a dealer registered under the Act, such person may appeal to the appropriate appellate authority of the area in which he is registered.

Provided further that where an order staying proceedings of recovery of any penalty levied is made in any order relating to an appeal, the Appellate Authority shall dispose of such appeal within a period of ninety days from the date of such order and, if such appeal is not so disposed of within the said specified period, the order of stay shall stand vacated after the expiry of the said period.

Provided also that where an appeal made to the Appellate Joint Commissioner under this clause prior to the date of the Karnataka Taxation Laws (Amendment) Act, 2002 in respect of any matter for which an appeal lies to the Deputy Commissioner after such date is pending on such date it shall stand transferred to the concerned Appellate Deputy Commissioner who shall dispose of the same as if such appeal was made to him.

(26) for Section 28-B, the following shall be substituted, namely.-

" 28-B. Transporter, etc., to furnish information.-

(1) Every person or a clearing or forwarding house or agency, transporting agency, shipping agency, shipping out agency or steamer agency or air-cargo agency or courier agency engaged in the business of transporting taxable goods in the State

shall furnish to any officer empowered under subsection (3) of Section 28-A, the particulars of all taxable goods, cleared, forwarded, transported or shipped by it or him for any period, in the area of jurisdiction of such officer.

(2) The empowered officer shall have the power to call for and examine the books of accounts or other documents in the possession of such person or agency with a view to verify the correctness of any information furnished."

(27) in Section 29,

(i) in sub-section (1), for the words, letter and brackets "be liable in case of contravention referred to in clause (c) to a simple imprisonment for a period of not less than six months but which may extend to one year where the amount of tax assessed or penalty levied is not less than ten lakh rupees and where the amount of tax assessed or penalty levied is less than ten lakh rupees, to a simple imprisonment for a period of not less than six months but which may extend to one year or with fine of not less than rupees five thousand but which may extend to rupees ten thousand and or both and in other cases liable to fine which shall not be less than five hundred rupees but which may extend to five thousand rupees. ", the following shall be substituted, namely, -

(i) in case of contravention referred to in clause (c) to a simple imprisonment for a period of not less than six months but which may extend to one year, where the amount of tax assessed or penalty levied is not less than ten lakh rupees.

(ii) in case of contravention referred to in clause (c) and where the amount of tax assessed or penalty levied is less than ten lakh rupees, to a simple imprisonment for a period of not less than six months but which may extend to one year or with fine of not less than rupees five thousand but which may extend to rupees ten thousand and or both, and

(iii) in other cases to fine which shall not be less than five hundred rupees but which may extend to five thousand rupees.

(ii) in sub-section (2), for clause (aa), the following clause shall be substituted, namely:-

"(aa) is required to furnish information under section 28-B fails to furnish such information."

(28) in section 30, in sub-Section (1), after the words "punishable under", the words, figure and brackets "clause (i) of sub-Section (1) or " shall be inserted.

(29) in the Second Schedule,

(i) in Part A,

(a) in the entries relating to serial number 1, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 2, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.

(d) in serial number 5,

(i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iv) in the entries relating to item (iv), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(v) in the entries relating to item (v), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(vi) in the entries relating to item (vi), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(vii) in the entries relating to item (vii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in the entries relating to serial number 5-A, in column 3, for the words "Two per cent", the words "Four per cent" shall be substituted.

(f) in the entries relating to serial number 8, in column 3, for the words "Eight per

cent", the words "Four per cent" shall be substituted.

(g) in the entries relating to serial number 9, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.

(ii) in Part B,

(a) in the entries relating to serial number 2, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(c) in the entries relating to serial number 6, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(d) in serial number 8,

(i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in serial number 10,

(i) in the entries relating to item (i), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(f) in the entries relating to serial number 12, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iii) in Part C,

(a) in the entries relating to serial number 3, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.

(b) in serial number 5, in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 6, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(d) in serial number 7, in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in the entries relating to serial number 8-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(f) in the entries relating to serial number 9, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(g) in the entries relating to serial number 12, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(h) in the entries relating to serial number 13, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(i) in the entries relating to serial number 14, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(j) in the entries relating to serial number 15, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(k) in the entries relating to serial number 15-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(l) in the entries relating to serial number 16, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(m) in the entries relating to serial number 17, in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(n) in the entries relating to serial number 17-A, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.

(o) in serial number 18,

(i) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Eight per cent" shall be substituted.

(ii) in the entries relating to item (iii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iii) in the entries relating to item (iv), in column 3, for the words "Ten per cent",

the words "Four per cent" shall be substituted.

(p) in the entries relating to serial number 19, in item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(q) in serial number 20,

(i) in the entries relating to item (ii), in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(ii) in the entries relating to item (iii), in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(iii) in the entries relating to item (iv), in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(r) in serial number 21,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(s) in the entries relating to serial number 22-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(t) in serial number 23,

(i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(iv) in the entries relating to item (iv), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(u) in serial number 26,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iv) in Part D,

(a) in serial number 1, in Column (3) for the words " Ten per cent ", the words " Twelve per cent " shall be substituted.

(b) in serial number 2, in Column (3) for the words " Ten per cent ", the words " Twelve per cent " shall be substituted.

(c) in serial number 3, in Column (3) for the words " Ten per cent ", the words " Twelve per cent " shall be substituted

(d) in serial number 4, in Column (3) for the words " Twelve per cent ", the words " Fifteen per cent " shall be substituted.

(e) in serial number 6, in Column (3) for the words " Ten per cent ", the words " Twelve per cent " shall be substituted.

(iii) in Part E,

(a) serial number 2,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (iv), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(iii) in the entries relating to item (v), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iv) in the entries relating to item (vi), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 3, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iv) in Part F,

(a) in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

- (b) in the entries relating to serial number 3, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (c) in the entries relating to serial number 5, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (d) in the entries relating to serial number 6, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (e) in serial number 7, in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (f) in serial number 8,
- (i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (ii) in the entries relating to item (ii), in column 3, for the words "Eight per cent", the words "Fifteen per cent" shall be substituted.
- (iii) in the entries relating to item (iii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (iv) in item (v), , in the entries relating to in sub-item (a), in column 3, for the words "Ten per cent", the words "twelve per cent" shall be substituted.
- (v) in the entries relating to in item (vi), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (vi) in the entries relating to in item (vii), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.
- (g) in the entries relating to serial number 9, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (h) in the entries relating to serial number 10, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (i) in the entries relating to serial number 11, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (j) in the entries relating to serial number 11-A, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (k) in serial number 12,
- (i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (l) in the entries relating to serial number 13, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (m) in the entries relating to serial number 14, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (v) in Part G,
- (a) in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Eight per cent" shall be substituted.
- (b) in the entries relating to serial number 2, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (c) in the entries relating to serial number 3, in column 3, for the words "Ten per cent", the words "Eight per cent" shall be substitute.
- (d) in the entries relating to serial number 5, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (e) in the entries relating to serial number 6, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (viii) in Part "H",
- (a) in serial number 1,
- (i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted
- (ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (iv) in the entries relating to in item (iv), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(b) in the entries relating to serial number 1-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(c) in the entries relating to serial number 2, in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(ix) in Part I,

(a) in the entries relating to serial number 1, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 3, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(d) in serial number 6,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(x) in Part-J, in Serial Number 3, in Column 3 for the words " Ten per cent ", the words " Twelve per cent " shall be substituted.

(xi) in Part K,

(a) in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Fifteen per cent" shall be substituted.

(b) in serial number 1-A,

(i) in the entries relating to item (i), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(c) in the entries relating to serial number 2, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(d) in the entries relating to serial number 3, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(xii) in Part L

(a) in the entries relating to serial number 1, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 3, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(d) in the entries relating to Serial Number 7, in column 3, for the words "Four per cent", the words " Twenty per cent " shall be substituted.

(xiii) in Part M

(a) in serial number 1,

(i) in item (i), in the entries relating to sub-item (b), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(ii) in item (ii), in the entries relating to sub-item (b), in column 3, for the words "Eight per cent", the words "Four per cent" shall be deemed to have been substituted with effect from the first day of April 2001 .

(iii) in item (iii), in the entries relating to sub-item (a), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iv) in item (iii), in the entries relating to sub-item (c), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(v) in item (iii), in the entries relating to sub-item (d), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(b) in the entries relating to Serial Number 4, in column 3, for the words "Fifteen per cent", the words " Twenty per cent " shall be substituted.

(c) in the entries relating to serial number 5, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(d) in the entries relating to serial number 6, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in the entries relating to serial number 7, in column 3, for the words "Ten per

cent", the words "Four per cent" shall be substituted.

(f) in the entries relating to serial number 7-A, in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(g) in the entries relating to serial number 9, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(h) in the entries relating to serial number 10, in column 3, for the words "Twenty per cent", the words "Twenty-five per cent" shall be substituted.

(i) in the entries relating to serial number 11, in column 3, for the words "Eight per cent", the words

"Twelve per cent" shall be substituted.

(j) in serial number 12,

(i) in the entries relating to item (i), in column 3, for the words "Twenty two per cent", the words "Thirty per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Fifteen and half per cent", the words "Twenty five per cent" shall be substituted.

(k) in serial number 14,

(i) in the entries relating to item (ii), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(l) in serial number 15,

(i) in the entries relating to item (i), in column 2, for the words "Indian Musical Instruments and parts and accessories thereof", the words " Indian Musical Instruments namely Veena, Violin, Tambura, Mridanga, Ghatam, Khanjira, Flute, Sitar, Sarod, Santoor, Dilruba, Nadaswara, Dolu, Tabla, Shehnai, Pakwaz, Vichitra Veena, Gotu Vadyam, Morsing, Chande, Triangle, Rudraveena and Sarangi, and parts and accessories thereof " shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(xiv) in Part O ,

(a) in the entries relating to serial number 1-A, in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(b) in the entries relating to serial number 2, in column 3, for the words "Twenty per cent", the words "Twenty five per cent" shall be substituted.

(c) in serial number 3,

(i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(xv) in Part P,

(a) in serial number 1,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "fifteen per cent" shall be substituted.

(b) in the entries relating to serial number 1-A, in column 3, for the words "Twenty per cent", the words "Twenty five per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(d) in serial number 5,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "fifteen per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in the entries relating to serial number 6, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(f) in serial number 7, in the entries relating to item (iii) ,

in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(g) in the entries relating to serial number 8, in column 3, for the words "Ten per cent", the words

"Twelve per cent" shall be substituted.

(h) in the entries relating to serial number 10, in column 3, for the words "Ten per cent", the words

"Twelve per cent" shall be substituted.

(i) in serial number 12,

(i) in the entries relating to item (i), in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(xvi) in Part R,

(a) in the entries relating to serial number 2, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(b) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 5, in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(d) in the entries relating to serial number 5-A, in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.

(e) in serial number 6, in the entries relating to item (i), in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.

(f) in the entries relating to serial number 8, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(g) in serial number 9,

(i) in the entries relating to item (i), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(h) in serial number 10,

(i) in the entries relating to item (i), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iv) in the entries relating to item (iv), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(i) in the entries relating to serial number 11, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(j) in the entries relating to serial number 12, in column 3, for the words "Ten per cent", the words

"Twelve per cent" shall be substituted.

(xvii) in Part S,

(a) in the entries relating to serial number 2, in column 3, for the words "Twelve per cent", the words "Four per cent" shall be substituted.

(b) in the entries relating to serial number 3, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(c) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(d) in the entries relating to serial number 5, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(e) in the entries relating to serial number 5-A, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(f) in the entries relating to serial number 7, in column 3, for the words "Twelve

per cent", the words "Fifteen per cent" shall be substituted.

(g) in serial number 9,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(iii) in the entries relating to item (iii), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(iv) in the entries relating to item (iv), in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(h) in serial number 15,

(i) in the entries relating to item (i), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(ii) in the entries relating to item (i-a), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(iii) in the entries relating to item (ii), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(iv) in the entries relating to item (ii-a), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(i) in the entries relating to serial number 15-A, in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(j) in serial number 17, in item (i), in the entries relating to sub-items(a),(b)and (c), in column 3, for the words "Twelve per cent", the words "Twenty per cent" shall be substituted.

(k) in the entries relating to serial number 18, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(l) in the entries relating to serial number 18-A, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.

(m) in the entries relating to serial number 18-B, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(n) in the entries relating to serial number 19, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(o) in the entries relating to serial number 21, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(p) in the entries relating to serial number 22, in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(q) in the entries relating to serial number 24, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(xviii) in Part T,

(a) in the entries relating to serial number 1-A, in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(b) in the entries relating to serial number 3, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.

(c) in serial number 5,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(ii) in the entries relating to item (ii), in column 3, for the words "Eight per cent", the words "Twelve per cent" shall be substituted.

(d) in the entries relating to serial number 6-A, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(e) in the entries relating to serial number 7, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(f) in the entries relating to serial number 7-A, in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.

(g) in the entries relating to serial number 7-B, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

(h) in serial number 8,

(i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.

- (ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (iii) in the entries relating to item (iv), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (iv) in the entries relating to item (v), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (v) in the entries relating to item (vi), in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted.
- (i) in the entries relating to serial number 9-A, in column 3, for the words "Twenty per cent", the words "Twenty Five per cent" shall be substituted.
- (j) in the entries relating to serial number 9-B, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (k) in serial number 10,
 - (i) in the entries relating to item (i), in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.
 - (ii) in the entries relating to item (ii), in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted.
- (l) in the entries relating to serial number 10-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (m) in serial number 10-B, in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (xix) in Part V,
 - (a) in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
 - (b) in the entries relating to serial number 2, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (xx) in Part W,
 - (a) in the entries relating to serial number 3, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
 - (b) in the entries relating to serial number 4, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
 - (c) in the entries relating to serial number 4-A, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
 - (d) in the entries relating to serial number 5, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (e) in serial number 6,
 - (i) in the entries relating to item (i), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
 - (ii) in the entries relating to item (ii), in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted.
- (f) in the entries relating to serial number 7, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (g) in the entries relating to serial number 8, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (xxi) in Part X, in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Twelve per cent" shall be substituted.
- (30) in the third Schedule,
 - (a) in the entries relating to serial number 1, in column 3, for the words "Ten per cent", the words "Four per cent" shall be substituted.
 - (b) in serial number 6, in the entries relating to item (ii), in column 3, for the words "Four per cent", the words "Eight per cent" shall be substituted.
- (31) in the Fourth Schedule,
 - (a) in the heading, the words "a single point" shall be omitted.
 - (b) after the entries relating to Serial Number 1, the following entries shall be inserted, namely .-
 - " 1-A. Aviation Turbine Fuel sold to a Turbo - Prop Aircraft 4% "
 - (c) in the entries relating to Serial Number 2, in item (a), in sub-item (i), for the words " pig iron and ", the words " pig iron, sponge iron and " shall be and shall be deemed to have been substituted with effect from the First day of April, 2001.

(d) explanations II and III shall be omitted.

(e) after explanation IV-A, the following explanation shall be and shall be deemed to have been inserted with effect from the First day of April, 2001, namely.-

" Explanation V. - For the purpose of Serial Number 1-A, " Turbo-Prop Aircraft " means an aircraft deriving thrust, mainly from propeller, which may be driven by either turbine engine or piston engine. "

(32) in the fifth Schedule the entries relating to serial numbers 3, 51 and 53 shall be omitted

(33) in the sixth Schedule, in column 3, for the words "Ten per cent", wherever they occur, the words "Twelve per cent" shall be substituted.

(34) ninth Schedule shall be omitted.

4. Amendment Of Karnataka Act 22 Of 1979 :-

In the Karnataka Tax on Luxuries Act, 1979 (Karnataka Act 22 of 1979).-

(i) in section 4-B, in sub-section (3), for clause (iii), the following clause shall be and shall be deemed to have been substituted with effect from the First day of April, 2000,namely.-

"(iii) other than relating to gutka on which tax under the Karnataka Tax on Entry of Goods Act, 1979 (Karnataka Act 27 of 1979) has been levied or has become leviabile."

(ii) in the Schedule, for the entries relating to Serial Number 5, the following entries shall be and shall be deemed to have been substituted, with effect from the First day of April, 2001, namely.-

"5. Electronic goods imported from outside the country namely.-

i) Television sets

ii) Telephones of every description including cellular phones

iii) Audio and Video cassette / disks players and recorders

iv) Photographic and video cameras

v) Music and home theatre systems; speakers

vi) Electronic toys and games

vii) Electronic clocks, time pieces and watches

viii) Electronic calculators

ix) Digital diaries

x) Musical instruments. Twelve percent "

(iii) after the Schedule, the following explanation shall be and shall be deemed to have been inserted, with effect from the First day of April, 2001, namely.-

" Explanation.- Where the rate of tax payable on any electronic goods by a stockist, under the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957) is lower than the rate of tax payable on the said goods under this Act, then the rate of tax payable under this Act shall be at such lower rate."

5. Amendment Of Karnataka Act 27 Of 1979 :-

In the Karnataka Tax on Entry of Goods Act, 1979 (Karnataka Act 27 of 1979), in Section 18-A, in sub-section (3), for the words "penalty not exceeding double the amount of tax leviable under this Act in respect of the goods under transport", the following shall be substituted, namely, "a penalty, which, -

(a) shall not be less than the amount of tax leviable but shall not exceed one and half of the amount of tax leviable in respect of the goods under transport in contravention of clause (e) of sub-section (2) of Section 28-A of the Sales Tax Act, if a dealer registered under this Act accepts that he is the consignor or consignee of the goods,

(b) in cases other than those falling under clause (a), shall not be less than double the amount of tax leviable but shall not exceed two and half times the amount of tax leviable in respect of the goods under transport . "

6. Amendment Of Act 30 Of 1958 :-

In the Karnataka Entertainments Tax Act, 1958 (Karnataka Act 30 of 1958),-

(1) in section 2,

(a) clause (ba) shall be renumbered as clause (bb) and before clause (bb) as so renumbered, the following clause shall be inserted, namely:-

" (ba) " Amusement " means any amusement for which persons are required to make payment for admission to any amusement arcade or amusement park or theme park or by whatever name called."

(b) in clause (e),

(i) in sub-clause (iii) after the words " any amusement" the words " or recreation or any entertainment provided by a multi system operator" shall be inserted.

(ii) in the explanation, the words " billiards, snooker" shall be omitted.

(iii) after clause (g), the following shall be inserted, namely:-

"(gg)" Multi System Operator" means person engaged in the business of receiving and distributing satellite television signals, communication network, including production and transmission of programmes and packages."

(iv) in clause (i), in sub-clause (iv-a), for the words "by a person attending the entertainment which enables entry of any other person in to the entertainment ", the words "with a view to

promote goodwill, brand name or any business interest directly or indirectly which enables entry of any person into the entertainment" shall be substituted.

(v) after clause (k), the following shall be inserted, namely:-

"(1) "Recreation parlour" means any place where a game such as bowling, billiards, snooker or the like by whatever name called is provided, for which persons are required to make payment for admission or participation. "

(2) in section 3,

(i) in sub-section (1), for the figures "80", the figures " 70" shall be substituted.

(ii) in sub-section (1A), in the table, in serial number (a), for the words "one hundred rupees" the words " two hundred and fifty rupees" shall be substituted;

(3) in section 3C, in sub-section (1), after clause (a),

(i) the following proviso shall be deemed to have been inserted with effect from the First day of April, 1996, namely:-

" Provided that in case of a Kannada Film which is remake of a film of other language, which has secured a Censor Certificate from the Central Board of Film Certification on or before 31st day of March, 2002, no tax shall be levied under section 3 up to 31st day of March, 2002."

(ii) after the proviso as so inserted, the following proviso shall be inserted, namely:-

" Provided further that tax at the rate of seventy-five per cent of the tax payable under section 3 shall be levied from 1st day of April, 2002 on a Kannada film which is a remake of a film of other language and which has secured a Censor Certificate from the Central Board of Film Certification.

(4) in Section 4-AA, in the table, in the entries relating to serial number (a), in column (3), for the words " one rupee", the words "one Rupee fifty paise " shall be substituted.

(5) in section 4B, in sub-section (1), for the words, " at the rate of five thousand rupees per month " the words " at the following rates " shall be substituted, namely:-

1 2 3

(i) Within the limits of City Municipal Corporations constituted under the Karnataka Municipal Corporations Act, 1976 and Cantonment Boards Rs. 15,000/- per month

(ii) Within the limits of All Municipal Councils constituted under the Karnataka Municipalities Act, 1964 Rs. 7,500/- per month

(iii) Places other than (I) and (ii) above Rs. 5,000/- per month

(6) after section 4D, the following sections shall be inserted, namely:-

" 4E. Tax on amusement- There shall be levied and collected a tax calculated at the rate of twenty per cent on each payment for admission to an amusement. The tax so levied shall be paid by the proprietor.

4F. Tax on recreation parlours- There shall be levied and collected a tax calculated at the rate of twenty per cent on each payment for admission to recreation parlour. The tax so levied shall be paid by the proprietor.

4G. Tax on Multi System Operator-Notwithstanding anything contained in sections 4C and 4D, there shall be levied and collected a tax at the rate of ten percent on the amounts received by a Multi System Operator towards distributing satellite television signals, communication network, including production and transmission of programmes and packages. "

(7) in section 6A, in sub-section (3) for the words, figure and letter " and 4D" the words, figures and letters " 4D, 4E, 4F and 4G " shall be substituted.

(8) in section 6B, in sub-section (1),

(i) in clause (i), for the words, letter and figure " and section 4D" the words, letters and figures " Section 4D, section 4E and section 4F " shall be substituted.

(ii) after clause (ii), the following clause shall be inserted, namely:

" (ii-a) any tax payable under section 4G has escaped assessment to tax ;"

(iii) in clause (iii), for the words, letter and figure " and section 4D, " the words, figures and letters "or section 4D or section 4E or section 4F or section 4G" shall be substituted.

(iv) in the last paragraph, after the words, figure and letter " or section 4D", the words, letters and figures " or section 4E or section 4F or section G" shall be inserted.

(9) in section 10, in sub-section (1), clauses (a) and (aa) shall respectively be renumbered as clauses (aa) and (aaa) and before clause (aa) as so renumbered, the following clause shall be inserted, namely:-

" (a) officer empowered by the State Government or by the Commissioner in this behalf, may for the purpose of this Act, require any proprietor to produce before him the accounts and other documents and also to furnish any information relating to his business."

(10) in section 12,

(i) in sub-section (1), for the words " which shall not be less than five thousand rupees but which may extend to ten thousand rupees" the words " which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year" shall be substituted.

(ii) in sub-section (1A), for the words " which shall not be less than five thousand rupees but which may extend to ten thousand rupees" the words " which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year" shall be substituted.

(iii) in sub-section (1B), for the words " which shall not be less than five thousand rupees but which may extend to ten thousand rupees" the words " which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year" shall be substituted.

(iv) in sub-section (1C), for the words " which may extend to five thousand rupees" the words " which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year" shall be substituted.

(11) in section 13,

(i) in clause (a), for the words " not exceeding five thousand rupees or double the amount of tax payable, whichever is greater" the words " not less than ten thousand rupees for the first offence and not less than fifteen thousand rupees for any second or subsequent offence during the financial year but not exceeding the double the amount of tax whichever is greater " shall be substituted.

(ii) in clause (b), for the words " not exceeding five thousand rupees " the words " not less than ten thousand rupees for the first offence and not less than fifteen thousand rupees for any second or subsequent offence during the financial year " shall be substituted.

7. Validation Of Assessments, Etc. :-

(1) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, anything done or any action taken or purporting to have been done or taken (including any notices or orders issued and all proceedings held for the levy, assessment and collection of tax or amount

purported to have been collected by way of tax in relation to such levy, assessment and collection) under the provisions of the Karnataka Sales Tax, 1957 (Karnataka Act 25 of 1957), (hereinafter referred to as the said Act) before the commencement of the Karnataka Taxation Laws (Amendment) Act, 2001 (hereinafter referred to as the Amendment Act) shall be and shall be deemed to be valid and effective as if such levy, assessment or collection or action or thing had been made, taken or done under the said Act, as amended by sub-clauses (vi) and (vii) of clause (22) of Section 3 of the Amendment Act and accordingly.-

(a) all acts, proceedings or things taken or done by any authority in connection with levy ,the assessment or collection of such tax shall, for all purposes be deemed to be, and to have always been taken or done in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such tax; and

(c) no Court shall enforce any decree or order directing the refund of any such tax.

(2) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, anything done or any action taken or purporting to have been done or taken (including any notices or orders issued and all proceedings held for the levy, assessment and collection of tax or amount purported to have been collected by way of tax in relation to such levy, assessment and collection) under the provisions of the Karnataka Tax on Luxuries Act, 1979 (Karnataka Act 22 of 1979), (hereinafter referred to as the said Act) before the commencement of this Act shall be and shall be deemed to be valid and effective as if such levy, assessment or collection or action or thing had been made, taken or done under the said Act, as amended by clause (i) of Section 4 of this Act and accordingly.-

(a) all acts, proceedings or things taken or done by any authority in connection with levy ,the assessment or collection of such tax shall, for all purposes be deemed to be, and to have always been taken or done in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such tax; and

(c) no Court shall enforce any decree or order directing the refund of any such tax.

