

Karnataka Value Added Tax (Amendment) Act, 2011**12 of 2011****[25 May 2011]**

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Karnataka Value Added Tax (Amendment) Act, 2011**12 of 2011****[25 May 2011]**

(First published in the Karnataka Gazette Extra-ordinary on the nineteenth day of March, 2011) The Karnataka Value Added Tax (Amendment) Act, 2011 (Received the assent of the Governor on the seventeenth day of March, 2011) An Act further to amend the Karnataka Value Added Tax Act, 2003. Whereas it is expedient further to amend the Karnataka Value Added Tax Act, 2003 (Karnataka Act 32 of 2004) for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Sixtysecond year of the Republic of India, as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Karnataka Value Added Tax (Amendment) Act, 2011.
- (2) It shall come into force with effect from the first day of April,

2011.

2. Amendment Of Section 4 :-

In the Karnataka Value Added Tax act, 2003 (Karnataka Act 32 of 2004) (hereinafter referred to as the principal Act), in section 4, in sub-section (1),-

(i) in clause (a), for sub-clause (ii), the following shall be substituted, namely:- "(ii) Third Schedule, at the rate of five percent, and";

(ii) For clause (b), the following shall be substituted, namely:- "(b) in respect of:-

(i) Declared goods as specified in Section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) at the maximum rates specified for such goods under Section 15 of the said Act;

(ii) Cigarettes, cigars, gutkha and other manufactured tobacco at the rate of fifteen per cent;

(iii) Other goods at the rate of fourteen per cent."

3. Substitution Of Section 21 :-

For section 21 of the principal Act, the following shall be substituted, namely:-

"21. Reimbursement of tax:-

Tax collected under this Act on such class of purchases as may be prescribed, made by specialised agencies of the United Nations Organisation, Multilateral Financial Institutions and Organisations notified under the United Nations (Privileges and Immunities) Act, 1947 (Central Act 46 of 1947) and Consulates or embassies of any other country but excluding consulates or Embassies of any other country but excluding consulates or embassies as may be notified shall be reimbursed, in such manner and subject to such conditions as may be prescribed.

4. Amendment Of Section 25 :-

In section 25 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:-

Provided that the Commissioner may notify the website in which an application shall be made electronically.

Amendment of section 31:- In section 31 of the principal Act:-

(i) In sub-section (4), for the words "sixty lakh rupees", the words "one hundred lakh rupees" shall be substituted;

(ii) Sub-section (6) shall be omitted.

5. Section 5 :-

6. Amendment Of Section 37 :-

In section 37 of the principal Act, in sub-section (1), for the words "one and a quarter per cent", the words "one and half percent" shall be substituted.

7. Amendment Of Section 40 :-

In section 40 of the principal Act:-

(i) In sub-section (1):-

(a) In clause (a), for the words "five years", the words "four years" shall be substituted;

(b) The following proviso shall be inserted at the end, namely:-

"Provided that an assessment or re-assessment relating to any tax period ending 31st day of March, 2007 shall be made within a period of five years after the end of the prescribed tax period."

(ii) In sub-section (2), for the words "five years was a reference to ten years", the words "four years was a reference to eight years" shall be substituted.

8. Amendment Of Section 53 :-

In section 53 of the principal Act, in sub-section (12), after clause (a), the following proviso shall be inserted, namely:-

"Provided that in respect of any goods on which the rate of tax leviable is less than four per cent, the penalty leviable under sub-clause (ii) shall be equivalent to five times the amount of tax leviable."

9. Amendment Of Section 54 :-

In section 54 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:-

"Provided that the Commissioner may notify the website in which the necessary information shall be furnished by the driver or any other person-in-charge of the vehicle."

10. Amendment Of Section 62 :-

In section 62 of the principal Act, in sub-section (4), in clause (d), for the words "one hundred twenty days ", the words "two hundred

forty days" shall be substituted.

11. Amendment Of The Second schedule :-

In the Second Schedule to the principal Act, the entries relating to serial numbers 2 and 3 shall be omitted.

12. Amendment Of The Third schedule :-

In the Third Schedule to the principal Act,

(i) In the entries relating to serial number 5, the words "used for cooking food" shall be omitted;

(ii) The entries relating to serial number 30 shall be omitted.

13. Amendment Of The Sixth schedule :-

In the Sixth Schedule to the principal Act,

(i) The entries relating to serial 7, shall be omitted.

(ii) In the entries relating to serial number 12, in column 3, for the words "Four per cent", the words "At the maximum rates specified for declared goods in section 15 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956)" shall be substituted;

(iii) In the entries relating to serial number 23, in column 3, for the words "Thirteen and one half per cent", the words "Fourteen per cent: shall be substituted.