

## **Madhya Pradesh Vanijyik Kar (Sanshodhan) Adhiniyam, 1997**

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## **Madhya Pradesh Vanijyik Kar (Sanshodhan) Adhiniyam, 1997**

An Act further to amend the Madhya Pradesh Vanijyik Kar Adhiniyam, 1994. (See 1995 98 STC Statutes 18.). BE it enacted by the Madhya Pradesh Legislature in the Forty-eight year of the Republic of India as follows:- Statement of Object "To implement the taxation proposal contained in Part II of the speech delivered by the Minister of Finance while presenting the budget for 1997-98 in the Vidhan Sabha on 17th February, 1997, it is proposed to amend the Madhya Pradesh Vanijyik Kar Adhiniyam, 1994 (See 1995 98 STC Statutes 18.) suitably. 2. Hence this Bill".

### **1. Short title and commencement :-**

(1) This Act may be called the Madhya Pradesh Vanijyik Kar (Sanshodhan) Adhiniyam, 1997. (2) It shall come into force on such date as the State Government may, by notification, appoint.

### **2. Insertion of section 9-B :-**

After section 9-A of the Madhya Pradesh Vanijyik Kar Adhiniyam, 1994 (No. 5 of 1995 (See 1995 98 STC Statutes 18.)), (hereinafter referred to as the principal Act), the following section shall be inserted, namely:- "9-B. Levy of tax in special circumstances- (1) Notwithstanding anything contained in clause (x) of section 2 and sub-section (1) of section 9, every such dealer liable to pay tax under section 9 whose turnover in the year preceding the commencement of the Madhya Pradesh Vanijyik Kar (Sanshodhan) Adhiniyam, 1997, exceeds rupees one crore and every other dealer

whose turnover in a year first exceeds rupees one crore shall, from the date of such commencement or from the date on which the turnover exceeds rupees one crore, as the case may be, be liable to pay tax on the resale of any goods specified in Parts II to VII of Schedule II and such tax shall be payable on such part of his turnover in respect of the said goods at the rate specified in column (3) of the said Schedule which remains after deducting therefrom - (i) sale price of declared goods; (ii) sale price of such goods at the hands of the registered dealer from whom they have been purchased; (iii) amount arrived at in accordance with the provisions of sub-clause (v) of clause (w) of section 2; (iv) any other deduction as may be prescribed, in such manner as may be prescribed. (2) Every dealer who is liable to pay tax under sub-section (1) shall continue to be so liable until the expiry of two consecutive years during each of which his turnover has not exceeded the limits specified in sub-section (1) and on the expiry of such period his liability to pay tax shall cease.

**3. Amendment of section 12 :-**

In section 12 of the principal Act, for the words, figures and brackets "sub-section (1) of section 9" wherever occurring, the words, figures and brackets "sub-section (1) of section 9 or section 9-B" shall be substituted.

**4. Amendment of section 13 :-**

In section 13 of the principal Act, in sub-section (1), for the words, figures and brackets "sub-section (1) of section 9" wherever occurring, the words, figures and brackets "sub-section (1) of section 9 or section 9-B" shall be substituted.

**5. Amendment of section 80 :-**

In sub-section (2) of section 80 of the principal Act, after clause (z), the following clause shall be inserted, namely:- "(zz) the manner of realisation of tax under section 9-B."

**6. Amendment of Schedule I :-**

In Schedule I, serial numbers 79 and 80 and the entries relating thereto shall be omitted.

**7. Amendment of Schedule II :-**

In Part V of Schedule II of the principal Act, after serial number 27, the following serial numbers and entries relating thereto, shall be inserted, namely:- (1) (2) (3) "28 (i) Cereals as specified in clause (i) of section 4 14 of the Central Sales Tax Act, 1956 (No. 74 of

1956); (ii) Foodgrains and cereals other than those mentioned 4 in serial No. (i) of this entry. 29 (i) Pulses as specified in clause (vi-a) of section 4 14 of the Central Sales Tax Act, 1956 (No. 74 of 1956); (ii) Pulses other than pulses mentioned in serial No. 4." (i) of this entry. The Statement of Objects and Reasons appended to the Madhya Pradesh Vanijyik Kar (Sanshodhan) Vidhayak, 1997 (Madhya Pradesh Bill No. 12 of 1997 (Madhya Pradesh Gazette, Extraordinary No. 135, dated March 31, 1997, page 270 (1).))