

Madhya Pradesh Vat (Second Amendment) Act, 2012

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 2
3. Amendment Of Section 4
4. Amendment Of Section 9-C
5. Amendment Of Section 10
6. Amendment Of Section 14
7. Amendment Of Section 17
8. Amendment Of Section 20-A
9. Amendment Of Section 39
10. Amendment Of Section 43
11. Amendment Of Section 55
12. Amendment Of Section 71
13. Amendment Of Schedule I
14. Amendment Of Schedule Ii
15. Repeal And Savings

Madhya Pradesh Vat (Second Amendment) Act, 2012

An Act further to amend the Madhya Pradesh Vat Act, 2002. Be it enacted by the Madhya Pradesh Legislature in the sixty-third year of the Republic of India as follows:--

1. Short Title And Commencement :-

(1) This Act may be called the Madhya Pradesh Vat (Second Amendment) Act, 2012.

(2) (a) The provisions of Section 2 of this amending Act shall be deemed to have come into force from 1st October, 2012

(b) The provisions of Section 3, 6 (ii) and 14 of this amending Act shall come into force from the date of its publication in the Madhya Pradesh Gazette.

(c) The provisions of Section 4 of this amending Act shall be deemed to have come into force from 1st April, 2012.

(d) The provisions of Section 8 of this amending Act shall be applicable to the periods commencing on or after 1st April, 2012.

(e) The provisions of Section 9 of this amending Act shall be applicable to the periods commencing on or after 1st April, 2011.

(f) The provisions of Section 13 of this amending Act shall be

deemed to have come into force from 1st April, 2006.

(g) The remaining provisions of this amending Act shall be deemed to have come into force from 17th September, 2012.

2. Amendment Of Section 2 :-

In Section 2 of the Madhya Pradesh Vat Act, 2002 (No. 20 of 2002) (hereinafter referred to as the principal Act), in clause (v), in explanation, after clause (iv), the following new clause shall be inserted, namely:--

"(v) The amount of valuable consideration received or receivable by oil companies notified under sub-section (2) of Section 9, for the sale of diesel and petrol, as specified in Part-IIIA of Schedule II, shall be deemed to be equivalent to the price, on which the retail outlets shall sell these goods to consumer."

3. Amendment Of Section 4 :-

In Section 4 of the principal Act, in sub-section (5), for the figure "62", the figure "63" shall be substituted.

4. Amendment Of Section 9-C :-

In Section 9-C of the principal Act,--

(i) in sub-section (1),--

(a) in clause (a), in the existing proviso, for full stop, the colon shall be substituted and thereafter the following provisos shall be inserted, namely:--

"Provided further that no tax shall be payable in respect of the goods belonging to a dealer registered under Section 17 or a builder enrolled under Section 9-B, carried from railway station to his godown within the State of Madhya Pradesh:

Provided also that no tax shall be payable in respect of the goods belonging to a dealer registered under Section 17 or a builder enrolled under Section 9-B, carried from one place to other place within a municipal area or within such area as may be notified.";

(b) for clause (f), the following clause shall be substituted, namely:--

"(f) the person incharge of a motor vehicle carrying the goods shall carry with him a receipt in the prescribed form.";

(ii) in sub-section (2), for the existing proviso, the following provisos shall be substituted, namely:--

"Provided that if transporter is a dealer registered under Section 17

or a builder enrolled under Section 9-B, such transporter shall not be required to register under this sub-section:

Provided further that the transporter, who carries exclusively the goods belonging to a dealer registered under Section 17 or a builder enrolled under Section 9-B, shall not be required to register under this sub-section.";

(iii) in sub-section (3), after clause (c), the following new clause shall be inserted, namely:--

"(d) No rebate shall be claimed or be allowed in respect of the tax which has been deducted under sub-section (4).";

(iv) in sub-section (6), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:--

"Provided that the provisions of Sections 18, 20 and 39 shall not be applicable to a transporter, who carries exclusively the goods belonging to a dealer registered under Section 17 or a builder enrolled under Section 9-B.";

(v) in Explanation,--

(a) for clause (b), the following clause shall be substituted, namely:--

"(b) "Motor Vehicle" means a motor vehicle (other than light motor vehicle and medium motor vehicle used as transport vehicle) including trailer attached thereto within the meaning of the Motor Vehicles Act, 1988 (No. 59 of 1988)";

(b) after clause (c), the following new clause shall be inserted, namely:--

"(d) "municipal area" shall have the same meaning as assigned to it in the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).".

5. Amendment Of Section 10 :-

In Section 10 of the principal Act, in sub-section (2), in clause (a), for the bracket and figure "(1)", the bracket and figure "(2)" shall be substituted.

6. Amendment Of Section 14 :-

In Section 14 of the principal Act,--

(i) in sub-section (1), in clause (b), for the word, bracket and letter "clause (b)" occurring twice, the words brackets and letters "clause (b) or clause (c)" shall be substituted;

(ii) after sub-section (1AE), the following sub-section shall be

inserted, namely:--

"(1AF) Subject to such restrictions and conditions as may be prescribed, where a registered dealer purchases timber as specified in Part-III A of Schedule II within the State of Madhya Pradesh from another such dealer after payment to him input tax, and consumes the timber so purchased in manufacture of goods specified in Schedule II, other than ready to use furniture, and the goods so manufactured are sold within the State of Madhya Pradesh, he shall claim or be allowed in such manner and within such period as may be prescribed, input tax rebate of the amount of such input tax.";

(iii) after sub-section (6), the following sub-section shall be inserted, namely:--

"(6A) Notwithstanding anything to the contrary contained in this Section, in no case the amount of input tax rebate on any purchase of goods shall exceed the amount of tax in respect of such purchase of goods, actually paid under the Act, into the Government Treasury.".

7. Amendment Of Section 17 :-

In Section 17 of the principal Act,--

(i) in sub-section (2), in clause (a), for the bracket and figure "(1)", the bracket and figure "(2)" shall be substituted;

(ii) in sub-section (5), in clause (a), for the bracket and figure "(1)". the bracket and figure "(2)" shall be substituted.

8. Amendment Of Section 20-A :-

In Section 20-A of the principal Act, in sub-section (1), in clause (a), in sub-clause (i), for the words "sixty lacs", the words "one crore" shall be substituted.

9. Amendment Of Section 39 :-

In Section 39 of the principal Act, in sub-section (2), for the words "sixty lacs", the words "one crore" shall be substituted.

10. Amendment Of Section 43 :-

In Section 43 of the principal Act, in sub-section (1), for the bracket and letter "(g)", the brackets, letters and word "(g) and (h)" shall be substituted.

11. Amendment Of Section 55 :-

In Section 55 of the principal Act, in sub-section (1), for the bracket and letter "(g)", the bracket and letter "(h)" shall be substituted.

12. Amendment Of Section 71 :-

In Section 71 of the principal Act, in sub-section (2), in clause (d), the words, bracket and figure "sub-section (1) of" shall be omitted.

13. Amendment Of Schedule I :-

In Schedule I to the principal Act, for serial number 21 and entries relating thereto, the following serial number and entries relating thereto shall be substituted, namely:--

"21. Human blood, human blood plasma and human blood components".

14. Amendment Of Schedule Ii :-

In Schedule II to the principal Act, in Part-III, against serial number 1, in column (2) the words "to aviation companies" occurring twice shall be omitted.

15. Repeal And Savings :-

(1) The Madhya Pradesh Vat (Amendment) Ordinance, 2012 (No. 6 of 2012) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.