

MAHARASHTRA PURCHASE TAX ON SUGARCANE ACT, 1962

9 of 1962

[18th April, 1962]

CONTENTS

1. Short title and extent
2. Definitions
3. Levy of purchase tax
4. Taxing and licensing authorities
5. Licence for purchasing sugarcane for use 5[in manufacture or production of sugar.. Mah. LX of 1976
6. Return
7. Assessment and Collection of tax
- 7A. .
- 7B. .
8. Appeal
9. Vol. 1 F-45
10. Court-fees Bom XXXVI of 1959
11. Application of sections 4 and 12 of Limitation ActIX of 1908
12. Finality of assessment and penalty "[and interest] and recovery of unpaid tax and penalty] "(andinterest]
- 12A. Special mode of recovery
- 12B. Remission of tax
13. Service of notice
14. Power to inspect and take copies of records and accounts
15. Information acquired to be treated confidential
- 15A. Publication and disclosure of information respecting occupiers of factories and units and other persons in public interest
16. Offences and penalty
17. Offences by companies
- 17A. Compounding of offences
18. Power to make Rules
19. Certain purchases not to be liable to tax
20. Repeal of Mah.Ord. No. V of 1961

MAHARASHTRA PURCHASE TAX ON SUGARCANE ACT, 1962

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STATEMENT OF OBJECTS AND REASONS M.G.G. Ptdated April 8,1976 p. 306 The Bill provides for amendments to the

Maharashtra Purchase Tax on Sugarcane Act, 1962 to make the enforcement of the Act more effective. The following notes on clauses explain the important provisions in the Bill For Statement of Objects and Reasons sec Malarashtra Government Gazette. 1962, Part V, page 18. This indicates the date of commencement of Act. These words and brackets were substituted for the words "the manufacture of sugar" by Mah.60 of 1974,ss. 2 and 3. Clause 2 -- Under existing section 3(2) of the Act, only one common rate of tax not exceeding two paise per kilogram of sugarcane purchased for the manufacture or production of Khandsari sugar in a unit, can be specified for the whole State. It is considered necessary to take power to specify different rates of tax for khandsari sugar units situated in developed areas and undeveloped areas of the State, Section 3(2) is being amended for this purpose. Clause 3 Under the existing provisions in the Act, if an occupier of a sugar factory/khandsari unit furnishes a return, but does not pay the purchase tax payable according to the return, it is necessary first to make assessment of the occupier and then to make the demand for the tax, which results in delay in recovery of the tax due as per return. The amendment to section 6 seeks to include provisions in the Act, on the lines of section 38(4) (a)(i) of the Bombay Sales Tax Act, 1959, which provides that the amount of tax due where returns have been furnished without full payment thereof, shall be paid by the persons liable therefore, into a Government Treasury by such date as may be specified in the notice issued by the Commissioner for this purpose. Clause 5 - New section 7B is intended to provide that an occupier of a factory or unit who fails to pay the tax due as per return or does not furnish the return, will be liable to pay simple interest at the rate of 11/2 per cent per month automatically under this section and also penalty under section 7A as revised after giving him an opportunity of being heard. Provision is included to give power to appropriate authority to waive interest and penalty in genuine cases of hardship. The remaining amendments contain such incidental and consequential provisions as are deemed necessary. Y.J.MOHITE, Bombay, dated the 30th March Minister for Finance 1976, M.G.G. Pt.V dated April 23,1992 p.249 With a view of giving effect to the proposals of levy or exemption of tax under certain tax laws in operation in the State, namely, the Bombay Sales Tax Act, 1959 (Bom LI of 1959); the Maharashtra Purchase Tax on Sugarcane Act, 1962, (Mah IX of 1962); the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah XVI of 1975); and the

Maharashtra Tax on Luxuries (in Hotels and Lodging Houses) .Act, 1987 (Mah XLI of 1987), it is necessary to amend these laws. Opportunity is also being taken to make certain other amendments therein which are found necessary either on account of certain judicial pronouncements or from the point of view of streamlining of levy of tax as also the procedure of recovery, etc of tax. 2. The amendments are proposed to be made inter alia, for the following purposes which are explained broadly, namely :- (1) To amend certain definitions for protecting revenue ; (2) to effectively curb hawala transactions which result into loss of revenue on account of evasion of tax on a large scale, the certificate of registration of such hawala dealers is proposed to be cancelled with retrospective effect thereby making all the purchases from such hawala dealers taxable in the hands of the purchasers; (3) to make hoteliers liable to pay tax on the re-sale of goods by them ; (4) to provide for levy of purchase tax in cases where unauthorized declarations are issued and on the basis of which declarations the tax deductions are otherwise claimed; (5) to provide for fresh registration of dealers for achieving improvement in the administration of tax machinery; (6) to provide for cancellation of registration certificate in case of failure to file return in due time or extended time, in order to discourage the tendency of not filing of returns which postpones the assessment and recovery of tax; (7) to make special provisions for assessment for period shorter than a year for preventing avoidance of tax by resorting to the practice of cancellation of registration and obtaining at the same time new registration so as to come out of the tax net; (8) to provide for levy of interest - (a) in the case of delayed payment on account of late filing of revised return; (b) on the amount of tax which has remained unpaid on the date prescribed for payment of tax with the last return for the assessment year; (9) to provide for payment of interest on the amount of refund of tax; (10) to bar further litigation against the part payment fixed by the first appellate authorities and to clarify that appellate authorities sitting in second appeal shall not have the power to stay the recovery of tax; (11) to rationalize the entries in the Schedules A, B and C to the Bombay Sales Tax Act, 1959, either for the purpose of exempting certain articles from levy of tax or for levy of tax; (12) to provide for levy of luxury tax on food and drinks served in clubs; (13) to provide for a ceiling of Rs. 600 on the professional tax payable by transport operators. (14) to give retrospective effect to certain amendments, to protect revenue. 3. The Bill seeks to achieve the above mentioned objects.

RAMRAO ADIK Bombay, dated the 9th April 1992 Minister for Finance

1. Short title and extent :-

(1) This Act may be called the Maharashtra Purchase Tax on Sugarcane Act, 1962

(2) It extends to the whole of the State of Maharashtra.

2. Definitions :-

In this Act, unless the context otherwise requires, -

(a) "Commissioner" means the Commissioner of Purchase Tax (Sugarcane) appointed under this Act;

(b) "factory" means any premises (including the precincts thereof), wherein twenty or more workers are working and in which, or in any part of which, any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on, or is ordinarily carried on, with the aid of power;

(c) "licence" means a licence granted or renewed under this Act;

(d) ["occupier" of a factory or of a unit] means the person who has ultimate control over the [affairs of the factory or the unit] and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory or of the unit, as the case may be;] and the term includes also any person appointed by the occupier to act as a purchasing agent;

(e) "person" includes any company or association or body of individuals, whether incorporated or not, and also a Hindu undivided family, a firm and a local authority;

[(f-a)]

[(f-b)]

[(g-a)]

[(g) "Sugar" includes "khandsari sugar", and "sugar" and "khandsari sugar" shall have the meanings assigned to them in the First Schedule to the Central Excises and Salt Act, 1944;]

[(h) "unit" means a unit engaged or ordinarily engaged in the manufacture or production of khandsari sugar and which is capable of handling or processing sugarcane juice produced with the aid of

a crusher driven by power.]

3. Levy of purchase tax :-

(1) There shall be levied and collected a tax on the purchase of sugarcane, being purchased for use in the manufacture or production of sugar in a factory or a unit.]

(2) The tax under sub-section (1) shall be levied at such rate per kilogram of sugarcane purchased for the purpose aforesaid as may be specified by the State Government, by notification in the Official Gazette, and different rates may be specified for the sugarcane purchased for the manufacture or production of sugar in a factory and of khandsari sugar in a unit:

Provided that, different rates may also be specified for sugarcane purchased for the manufacture or production of Khandsari sugar in units situated in areas, which are declared by the State Government, from time to time, by notification in the Official Gazette, as developed areas or undeveloped areas, so however that the rate or rates so specified shall not exceed four paise. per kilogram of sugarcane so purchased.

(3) For the purpose of the levy of the tax, as provided in sub-section (2), there shall be deducted from the gross weight of sugarcane so purchased, such portion thereof representing the average weight of the top of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane, as may be

(4) The tax levied under the foregoing sub-sections shall be paid by the occupier of the factory or of the unit, as the case may be, at such intervals and in such manner, as is hereinafter provided.

4. Taxing and licensing authorities :-

(1) For carrying into effect the provisions of this Act, the State Government shall appoint an officer to be called the Commissioner of Purchase Tax (Sugarcane); and may appoint one or more officers to assist such Commissioner in the performance of his functions under this Act, and give them such designations as may be prescribed.

(2) Subject to any conditions and restrictions which the State Government may by general or special order impose, the officers so appointed shall, within their jurisdiction, exercise such of the

powers and perform such of the duties of the Commissioner under this Act, as the Commissioner may by order in writing delegate to them either generally, or as respects any particular matter or class of matters.

5. Licence for purchasing sugarcane for use 5[in manufacture or production of sugar.. Mah. LX of 1976 :-

(1) Except under and in accordance with the conditions of licence issued by the Commissioner, '[no person shall purchase any sugarcane for the purpose of the use thereof in the manufacture or production of sugar in a factory or a unit:

Provided that, any person who is an occupier of a unit on the date of Commencement of the Maharashtra Purchase Tax on Sugarcane (Second Amendment) Act, 1974, may obtain such licence, within a period of thirty days from the said date.]

(2) An application for a licence shall be in such form, and made in such manner, and shall be accompanied by such fee,[not exceeding five rupees,] as may be prescribed.

(3) Subject to the other provisions of the section, the Commissioner shall, after due verification of any application received for a licensee, issue the licence;

Provided that, the Commissioner may, after giving the applicant a reasonable opportunity of being heard, refuse to issue a licence to any person if the Commissioner has already cancelled, or refused to renew, a licence previously granted to such person.

(4) A licence issued under this section shall be subject to such conditions as may be prescribed and shall be valid up to and inclusive of the 30th day of June next following, and shall subject to the other provision of this section '[and on payment of such fee, not exceeding two rupees, as may be prescribed] be renewable in the prescribed manner.

(5) If a licensee commits a breach of any of the conditions of his licence, the Commissioner may, after giving him a reasonable opportunity of being heard, cancel or refuse to renew his licence.

(6) Any person aggrieved by an order of the Commissioner cancelling, or refusing to issue or renew any licence, may within three months from the date of such order appeal to the State Government, who may confirm, modify or rescind such order.

6. Return :-

(1) Every occupier liable to pay tax under this Act shall, within thirty days after the end of every month to which the return relates, submit a monthly return in the prescribed form to the Commissioner. Every such return shall show [in kilograms the total quantity of] sugarcane purchased by him for use in the manufacture or production of sugar in a factory or unit, as the case may be, during the preceding month, together with such further information as may be prescribed].

(2) Every return shall be accompanied by a receipt for payment on government account into a Government Treasury or the Reserve Bank of India of the full amount of tax leviable under section 3 for the period to which the return relates.

(3) Every return shall be verified in the manner prescribed.

[(4) Where a return is submitted to the Commissioner without making payment of the full amount of tax leviable under section 3, the full amount or the remaining amount due, as the case may be, shall be paid by the occupier on Government account into a Government Treasury or the Reserve Bank of India by such date as may be specified in a notice served by the Commissioner for this purpose, being a date not earlier than ten days of the service of the notice, and the receipt for such payment shall be forwarded by him to the Commissioner within seven days from such specified date.]

7. Assessment and Collection of tax :-

(1) The Commissioner shall assess, by a single order of assessment, the tax payable in respect of the period in any year to which all the returns submitted under section 6 collectively relate and if the amount has not already been paid as aforesaid, he shall cause a notice to be served upon the person concerned requiring him to pay the amount assessed, within 10 days of the service of the notice.

Explanation:- For the purpose of this section, the expression "year" means the "co-operative year" as defined in clause (10) of Section 2 of the Maharashtra Co-operative Societies Act, 1960 .]

(2) If the occupier fails to submit in due time the return referred to in section 6, the Commissioner shall after giving him a reasonable opportunity of being heard assess to the best of his judgment the amount of tax payable and the provisions of sub-section (1) in

respect of notice shall apply as if such assessment has been made on the basis of a return furnished by such person.

[* * * *]

7A. . :-

(1) If an occupier, without reasonable cause, fails to submit the return as required by sub-section (1) of section 6 , the Commissioner may, after giving .him a reasonable opportunity of being heard, by an order in writing, impose upon him by way of penalty, in addition to the amount of tax and interest, a sum not exceeding twice the amount of tax assessed under section 7 .

(2) If an occupier does not, without reasonable cause, pay tax within the time he is required by or under the provisions of this Act to pay it, the Commissioner may, after giving him a reasonable opportunity of being heard, by an order in writing, impose upon him by way of penalty, in addition to the amount of tax and interest, a sum equal to -

(a) one and one half per cent of the amount of tax due for each month for the first three months, after the last day by which the occupier should have paid the tax; and

(b) two per cent of the a amount of tax due for each month thereafter during the time he continues to make default in the payment of tax.

(3) The amount of any penalty imposed under this section shall be paid by the occupier into a Government Treasury or the Reserve Bank of India within ten days of the service of a notice by the Commissioner for this purpose.

(4) The Commissioner or any appellate or revisional authority may, for reasons to be recorded, remit the whole or any part of the penalty payable by any occupier in respect of any period.

(5) No prosecution for an offence under this Act shall be instituted in respect of the same facts on which a penalty has been imposed under this section].

7B. . :-

(1) If an occupier fails to submit the return as required by sub-section (1) of section 6 or to pay the full amount of tax as required by sub-section (2) of that section, he shall, in addition to the tax

and the penalty (if any), pay simple interest on the amount due at the rate of one and one half per cent of the amount for each month from the date immediately following the last day for submission of the return under subsection (1) of section 6 during the time the occupier continues to make default in the payment of the amount due.

Explanation:- For the purposes of this sub-section, where an occupier fails to submit the return in due time, the amount of tax assessed under sub-section (2) of section 7 shall be deemed to be the amount of tax due from the occupier under sub-section (2) of section 6 .

(2) If an occupier fails to pay the amount of tax assessed under subsection (1) of section 7 , or the amount of penalty imposed under section 7A, by the date specified in the notice served upon him by the Commissioner for the purpose, he shall pay simple interest on the amount of tax or penalty due at the rate of one and one half per cent for each month from the date immediately following the date specified in the notice during the time the occupier continues to make default in the payment of the amount due.

(3) The Commissioner or any appellate or revisional authority may, for reasons to be recorded, remit the whole or any part of interest payable by any occupier in respect of any period.]

8. Appeal :-

Any person aggrieved by an order or assessment made [under section 7 , or penalty imposed under section 7A , [or by any interest charged under section 7B ,] may, within three months from the date of communication of the order,] [or, as the case may be, from the date of charging the interest,] apply to the prescribed appellate authority for the annulment or modification of the assessment or penalty '[or interest] and, on such application, the prescribed appellate authority may, subject to such rules of procedure as may be made in this behalf, confirm, annul or modify the assessment of penalty '[or interest] and order the refund to such, person of the whole or part, as the case may be, of any amount paid.

9. Vol. 1 F-45 :-

(1) Subject to such rules as may be made in this behalf and for reasons to be recorded in writing, the Commissioner, or any other

prescribed revisional authority, may, upon an application or of his or its own motion, revise any order (including an order in appeal) made under this Act or any rules made thereunder, by any officer appointed to assist the Commissioner:

Provided that, no application under this sub-section shall be entertained if it is not made within a period of four months from the date of communication of the order, but any order made before the date of commencement of the Maharashtra Purchase Tax on Sugarcane (Amendment) Act, 1974, may be revised by the revisional authority of its own motion in favour of any occupier of a factory within a period of one year from the date of such commencement, although the original period of limitation therefore may have expired earlier ; and any order made on or after the date of such commencement may be revised by the revisional authority on its own motion, only if a notice therefore is served on the occupier within a period of three years from the date of communication of the order and the order in revision is made within a period of five years from the date of such communication:

Provided further that, before rejecting any application for revision, the revisional authority shall record the reasons for such rejection.

(2) Before any order is passed under this section, which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(3) Where a person could have appealed under section 8 and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such person.]

10. Court-fees Bom XXXVI of 1959 :-

Notwithstanding anything contained in the Bombay Court-fees Act, 1959 , an appeal preferred under section 8 , and an application for revision made under section 9 , shall bear a Court-fee stamp of such value [not exceeding five rupees,] as may be prescribed.

11. Application of sections 4 and 12 of Limitation ActIX of 1908 :-

In computing the period laid down in section 8 and SECTION 9 , the provisions of S.4 of the Limitation Act, 1908 , S.12 of the Limitation Act, 1908 shall, so far as may be, apply.

12. Finality of assessment and penalty "[and interest] and recovery of unpaid tax and penalty] "(andinterest] :-

(1) An assessment made in accordance with the provision of section 7 '[and penalty imposed under section 7A].[or any interest charged under section 7B ,] shall, subject to section 8 and SECTION 9 , be final, and shall not be called in question in any Civil Court.

(2) Any tax or penalty [or interest] recoverable under this Act and remaining unpaid may be recovered as an arrear of land revenue.

12A. Special mode of recovery :-

Notwithstanding anything contained in any law or contract to the contrary, the Commissioner may, at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the occupier of the factory at his last address known to the Commissioner), require -

(a) any person from whom any amount of money is due, or may become due, to the [occupier of the factory or the unit] on whom notice has been served under [section 7 or SECTION 7A , or from whom interest is due under section 7B , or].

(b) any person who holds or may subsequently hold money for or on account of such [occupier of the factory or the unit],

to pay to the Commissioner, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by the [occupier of the factory or the unit] in respect of the arrears of [tax, penalty and interest] payable under this Act, or the whole of the money when it is equal to or less than that amount.

Explanation:- For the purposes of this section, the amount of money due to the [occupier of the factory or the unit] from, or money held for or on account of the [occupier of the factory or the unit] by, any person shall be calculated after deducting therefrom such claims (if any) lawfully subsisting, as may have fallen due for payment by such occupier of the factory to such person.

The Commissioner may, at any time or from time to time, amend or revoke any such notice, or extend the time for making any payment in pursuance of the notice. Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the [occupier of the factory or the unit], and the receipt of the Commissioner shall constitute a good and sufficient discharge of the liability of such person, to the extent of the amount referred to in the receipt. Any person discharging any liability to the [occupier of the factory or the unit] after receipt of the notice referred to in this

section, shall be personally liable to the Commissioner to the extent of the liability discharged, or the extent of the liability of the [occupier of the factory or the unit] for [tax, penalty and interest] whichever is less. Where any person to whom a notice under this section is sent proves to the satisfaction of the Commissioner that the sum demanded or any part thereof is not due to the [occupier of the factory or the unit], or that he does not hold any money for or on account of the [occupier of the factory or the unit], then nothing contained in this section shall be deemed to require such person to pay any sum or part thereof, as the case may be, to the Commissioner. Any amount of money which a person is required to pay to the Commissioner, or for which he is personally liable to the Commissioner under this section, shall, if it remains unpaid, be recoverable as an arrear of land revenue.

12B. Remission of tax :-

For the purpose of encouraging the [establishment of new factories or units, or for the purpose of overcoming any difficulties in respect of any factories or units in the initial periods of manufacture or production of sugar,] the State Government may, by notification in the Official Gazette, remit the whole or any part of the tax payable by or under this Act, for such period or periods [including any period or periods which commenced before the date of commencement of the Maharashtra Purchase Tax on Sugarcane (Amendment) Act, 1974] and subject to such conditions (if any), as it may specify in such notification.

13. Service of notice :-

A notice under the provision of this Act may be served by post, or by delivering it or tendering it to the person to whom it is addressed or his agent, or in such other manner as is prescribed.

14. Power to inspect and take copies of records and accounts :-

(1) the Commissioner or other person authorised by him in this behalf, shall have access at all reasonable time to [any factory, unit or place of business] of any person liable to pay tax under this Act.

(2) The Commissioner or the person authorised as aforesaid may at any time, with or without notice to such person, examine his working records and accounts, and take copies of or extracts from any of the said records of accounts for purposes of testing the accuracy of any return or for informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder.

(3) Where the Commissioner or person authorised proposes to examine under sub-section (2) any record or account containing the description or formulae of any trade process, the person liable to pay tax may give to the said authority, for transmission to the State Government, a written notice of objection, and thereupon that authority shall seal up the record or account pending the orders of the State Government

15. Information acquired to be treated confidential :-

(1) All such copies and extracts and all information acquired by the Commissioner or person authorised as aforesaid from an inspection of any such factory [unit] or place of business or from any return submitted under this Act, shall be treated as confidential.

(2) If, save as provided in sub-section (3), the Commissioner or the person authorised as aforesaid discloses to any other person any information which is required to be treated as confidential, he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) Nothing in this section shall apply to the disclosure of such information in respect of the making of a false return under this Act.

15A. Publication and disclosure of information respecting occupiers of factories and units and other persons in public interest :-

(1) Notwithstanding anything contained in section 15, if the State Government is of opinion that it is necessary or expedient in the public interest to publish or disclose the names of any occupiers of factories or units or other persons and any other particulars relating to any proceedings under this Act in respect of such occupiers and persons, it may publish or disclose or cause to be published or disclosed such names and particulars in such manner as it thinks fit.

(2) No publication or disclosure under this section shall be made in relation to any tax levied or penalty imposed or any conviction for any offence connected with any proceedings under this Act, until the time for presenting an appeal to the appropriate appellate authority has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

Explanation:- In the case of a firm, company or other association of persons, the names of the partners of the firm, the directors, managing agents, secretaries, treasurers or managers of the company, or the members of the association, as the case may be, may also be published or disclosed, if, in the opinion of the State Government, the circumstances of the case justify it.]

16. Offences and penalty :-

(1) Whoever

(a) purchases sugarcane for use in the [manufacture or production of sugar in a factory or a unit] without obtaining a licence, or

(b) fails, without sufficient cause, to furnish any return as required by section 6 , by the date and in the manner prescribed, or knowingly furnishes a false return.

(2) No prosecution for an offence against this Act shall be instituted in respect of the same facts on which a penalty has been imposed by the Commissioner under the provisions of this Act.]

17. Offences by companies :-

(1) Where an offence under the last preceding section has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under that section if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under the last preceding section has been committed by a company and it is, proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of the section-

(a) "company" means any body corporate, and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

17A. Compounding of offences :-

(1) The Commissioner may, either before or after the institution of proceedings for any offence punishable under section 16 , or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees or double the amount of tax which would have been payable on the purchases to which the said offence relates, whichever is greater :

Provided that, where the offence relates only to a breach of any rules the sum for which the offence may be compounded shall not exceed two thousand rupees.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1) no further proceedings shall be taken against the accused person in respect of the same offence.]

18. Power to make Rules :-

(1) The power to make rules under this Act shall be exercisable by the State Government by notification in the Official Gazette.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules generally to carry out the purposes of this Act; and such rules may include rules for levy of fees for any of the purposes of this Act.

(3) In making any rules, the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) Rules made under this section shall be subject to the condition of previous publication.

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(5) Every rule made under this section shall be laid, as soon as may be, after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, that shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

19. Certain purchases not to be liable to tax :-

Nothing in this Act or the rules made thereunder shall be deemed to impose or authorise the imposition of a tax on the purchase of sugarcane where such purchases take place

(a)

(i) outside the State, or

(ii) in the course of the import of the goods into the territory of India, or the export thereof out of such territory, or

(b) in the course of inter-State trade or commerce ; and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation:- For the purposes of this section, whether a purchase takes place

(i) outside the State, or

(ii) in the course of the import of the goods into the territory of India, or export thereof out of such territory, or

(iii) in the course of inter-State trade or commerce, shall be determined in accordance with the principles specified in Section 3 OF THE Central Sales Tax Act, 1956 Section 4 OF THE Central Sales Tax Act, 1956 and Section 5 of the Central Sales Tax Act, 1956 .

20. Repeal of Mah.Ord. No. V of 1961 :-

(1) The Maharashtra Purchase Tax on Sugarcane Ordinance, 1961 is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken (including any appointments made, notifications, rules, orders, returns, notices, licences issued, given, refused or made, assessments made, taxes paid, applications given, appeals preferred) under the Ordinance so repealed, shall be deemed to have been done or taken by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.