

Rajasthan Finance Act, 1979

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(Rajasthan Gazette, Extraordinary, Part 4(A), page 3.), dated April 7, 1979. Received the assent of the Governor on April 7, 1979. An Act to give effect to the financial proposals of the State Government for the financial year 1979-80. BE it enacted by the Rajasthan State Legislature in the Thirtieth Year of the Republic of India as follows:- Statement of Object "Certain financial proposals included in the budget proposals for the year 1979-80 have necessitated the amendment of a few provisions of the Rajasthan Sales Tax Act, 1954, the Rajasthan Electricity (Duty) Act, 1962, the Rajasthan Stamp Law (Adaptation) Act, 1952, the Motor Vehicles Taxation Act, 1951, the Rajasthan Land Revenue Act, 1956, and the Rajasthan Agricultural Produce Markets Act, 1961. The Bill seeks to introduce the desired amendments in the aforesaid Acts."

MEMORANDUM OF DELEGATED LEGISLATION "Clause 3. Section 5 CCCC sought to be inserted in the Rajasthan Sales Tax Act, 1954, by clause 3 of the Bill seeks to empower the State Government to prescribe the conditions and restrictions subject to which sale to or purchase by a registered dealer shall be leviable to tax at 4 per cent. It also authorises the State Government to prescribe the authority from whom and in the form and manner in which the declaration shall be obtained and filled. It also authorises the Government to prescribe the particulars to be given in the prescribed form.

1. Short title :-

This Act may be called the Rajasthan Finance Act, 1979.

2. Amendment of section 3, Rajasthan Act 29 of 1954 :-

In section 3 of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954), hereinafter referred to as "the Sales Tax Act", in sub-section (1), in clause (a), after the words "cooked food", the words "excluding bakery products" shall be inserted and for the letters and figures "Rs. 5,000", the letters and figures "Rs. 10,000" shall be substituted and the first proviso to sub-section (1) shall be omitted and in the second proviso, the word "further" occurring after the word "provided" shall be deleted and after the second proviso as so amended, the following proviso shall be inserted, namely:- "Provided further that a dealer who ceases to be liable to pay tax as a result of amendment of clause (a) by the Rajasthan Finance Act, 1979, shall be liable to pay tax in respect of any goods purchased by him at a concessional rate of tax or without paying any tax on the strength of any declaration furnished by him as a registered dealer on the purchase price of such goods at the full rate applicable to the sale of such goods after adjusting the tax already paid by him in respect thereof."

3. Insertion of new section 5CCCC in Rajasthan Act 29 of 1954 :-

After section 5CCC of the Sales Tax Act, the following new section shall be inserted, namely:- "5 CCCC. Special rate of tax on certain sales. -- (1) Notwithstanding anything contained in section 5, and subject to such conditions and restrictions as may be prescribed, sale to or purchase by a registered dealer of goods (other than raw material) specified in the certificate of registration of the registered dealer purchasing the goods and required by him for use in the manufacture or processing of goods for sale, or in mining or in the generation or distribution of electricity shall, unless the goods are taxable at a lower rate, be, subject to sub-section (2), leviable to tax at 4 per cent. (2) The dealer selling the goods shall furnish to the prescribed authority in the prescribed manner, a declaration duly filled and signed by the registered dealer to whom the goods are sold containing the prescribed particulars in the prescribed form obtained from the prescribed authority, and (3) In respect of sale under sub-section (1), if the goods purchased are utilised by the purchaser for any purpose other than those specified in that sub-section, or while purchasing any class of goods represents that goods of such class are covered by his certificate of registration as specified in sub-section (1), the purchasing dealer shall be liable to pay as penalty such amount, not less than the difference between

the amount of tax on the sale or purchase of such goods at the full rate applicable thereto under section 5 or 5A and the amount of tax payable under sub-section (1), but not exceeding one and one quarter times the amount of tax at such full rate, as the assessing authority may determine, having regard to the circumstances in which such use or purchase was made." Part III - Electricity duty, Part IV - Stamp duty, Part V - Motor vehicles tax, Part VI - Land revenue and Part VII - Agricultural Produce Markets Act, of the Finance Act are not printed here. The Statement of Objects and Reasons and the Memorandum of Delegated Legislation appended to the Rajasthan Finance Bill, 1979 (Rajasthan Gazette, Extraordinary, Part 3(A), dated March 5th, 1979, page 185(12).), run as follows: