

## **Rajasthan Finance Act, 2014**

**14 of 2014**

**[31 July 2014]**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short title
2. Declaration under section 3, Rajasthan Act No. 23 of 1958

#### **CHAPTER 2 :-AMENDMENTIN THE RAJASTHAN VALUE ADDED TAX ACT, 2003**

3. Amendment of section 3, Rajasthan Act No. 4 of 2003
4. Amendment of section 16, Rajasthan Act No. 4 of 2003
5. Amendment of section 18, Rajasthan Act No. 4 of 2003
6. Amendment of section 20, Rajasthan Act No. 4 of 2003
7. Amendment of section 22, Rajasthan Act No. 4 of 2003
8. Amendment of section 23, Rajasthan Act No. 4 of 2003
9. Amendment of section 24, Rajasthan Act No. 4 of 2003
10. Amendment of section 25, Rajasthan Act No. 4 of 2003
11. Amendment of section 26, Rajasthan Act No. 4 of 2003
12. Amendment of section 27, Rajasthan Act No. 4 of 2003
13. Amendment of section 38, Rajasthan Act No. 4 of 2003
14. Insertion of section 51B, Rajasthan Act No. 4 of 2003
15. Amendment of section 53, Rajasthan Act No. 4 of 2003
16. Amendment of section 61, Rajasthan Act No. 4 of 2003
17. Amendment of section 67, Rajasthan Act No. 4 of 2003
18. Amendment of section 91, Rajasthan Act No. 4 of 2003
19. Amendment of section 95, Rajasthan Act No. 4 of 2003
20. Amendment of section 96, Rajasthan Act No. 4 of 2003

#### **CHAPTER 3 :-AMENDMENTIN THE RAJASTHAN TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) ACT, 1990**

21. Amendment of section 12, Rajasthan Act No. 9 of 1996
22. Amendment of section 20, Rajasthan Act No. 9 of 1996

#### **CHAPTER 4 :-AMENDMENTIN THE RAJASTHAN ELECTRICITY (DUTY) ACT, 1962**

23. Amendment of section 3, Rajasthan Act No. 12 of 1962

**CHAPTER 5 :-AMENDMENTIN THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957**

- 24. Amendment of section 3, Rajasthan Act No. 24 of 1957
- 25. Amendment of section 4, Rajasthan Act No. 24 of 1957
- 26. Amendment of section 4AA, Rajasthan Act No. 24 of 1957
- 27. Amendment of section 4AAA, Rajasthan Act No. 24 of 1957
- 28. Amendment of section 5B, Rajasthan Act No. 24 of 1957
- 29. Amendment of section 6, Rajasthan Act No. 24 of 1957
- 30. Amendment of section 8, Rajasthan Act No. 24 of 1957
- 31. Amendment of section 9A, Rajasthan Act No. 24 of 1957
- 32. Amendment of section 10B, Rajasthan Act No. 24 of 1957

**CHAPTER 6 :-AMENDMENTIN THE RAJASTHAN TAX ON ENTRY OF GOODS INTO LOCAL AREAS ACT, 1999**

- 33. Amendment of section 3, Rajasthan Act No. 13 of 1999

**CHAPTER 7 :- AMENDMENT IN THE RAJASTHAN STAMP ACT, 1998**

- 34. Amendment of section 2, Rajasthan Act No. 14 of 1999
- 35. Amendment of section 4, Rajasthan Act No. 14 of 1999
- 36. Insertion of section 4-A, Rajasthan Act No. 14 of 1999
- 37. Amendment of section 39, Rajasthan Act No. 14 of 1999
- 38. Amendment of section 43, Rajasthan Act No. 14 of 1999
- 39. Amendment of section 44, Rajasthan Act No. 14 of 1999
- 40. Amendment of section 51, Rajasthan Act No. 14 of 1999
- 41. Insertion of section 52-A, Rajasthan Act No. 14 of 1999
- 42. Amendment of section 53, Rajasthan Act No. 14 of 1999
- 43. Insertion of section 56-A, Rajasthan Act No. 14 of 1999
- 44. Amendment of section 72, Rajasthan Act No. 14 of 1999
- 45. Amendment of the Schedule, Rajasthan Act No. 14 of 1999

**CHAPTER 8 :- AMENDMENT IN THE RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951**

- 46. Amendment of section 4-D, Rajasthan Act No. 11 of 1951
- 47. Amendment of section 5, Rajasthan Act No. 11 of 1951

**CHAPTER 9 :-AMENDMENTIN THE RAJASTHAN EXCISE ACT, 1950**

- 48. Deletion of section 25, Rajasthan Act No. 2 of 1950
- 49. Amendment of section 42, Rajasthan Act No. 2 of 1950
- 50. Insertion of section 62A, Rajasthan Act No. 2 of 1950
- 51. Amendment of section 67, Rajasthan Act No. 2 of 1950

**CHAPTER 10 :-AMENDMENTIN THE RAJASTHAN FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2005**

- 52. Amendment of section 2, Rajasthan Act No. 7 of 2005
- 53. Insertion of section 6A, Rajasthan Act No. 7 of 2005

## **CHAPTER 11 :- INFRASTRUCTURE DEVELOPMENT CESS**

- 54. Extent and commencement
- 55. Definitions
- 56. Levy and collection of cess
- 57. Application of proceeds of cess
- 58. Power to exempt
- 59. Furnishing of returns
- 60. Applicability of the provisions of the Rajasthan Value Added Tax Act, 2003
- 61. Power to make rules

### **Rajasthan Finance Act, 2014**

**14 of 2014**

**[31 July 2014]**

#### **PREAMBLE**

An Act further to amend the Rajasthan Value Added Tax Act, 2003, the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990, the Rajasthan Electricity (Duty) Act, 1962, the Rajasthan Entertainments and Advertisements Tax Act, 1957, the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999, the Rajasthan Stamp Act, 1998, the Rajasthan Motor Vehicles Taxation Act, 1951, the Rajasthan Excise Act, 1950, the Rajasthan Fiscal Responsibility and Budget Management Act, 2005, and to provide for the levy and collection of infrastructure development cess on sale or purchase of certain goods in the State of Rajasthan, in order to give effect to the financial proposals of the State Government for financial year 2014-15 and to make certain other provisions.

Be it enacted by the Rajasthan State Legislature in the Sixty-fifth Year of the Republic of India, as follows:-

#### **CHAPTER 1 PRELIMINARY**

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

This Act may be called the Rajasthan Finance Act, 2014.

##### **2. Declaration under section 3, Rajasthan Act No. 23 of 1958 :-**

In pursuance of section 3 of the Rajasthan Provisional Collection of Taxes Act, 1958 (Act No. 23 of 1958) it is hereby declared that it is

expedient in the public interest that provisions of clauses 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45 and 46 of this Bill shall have immediate effect under the said Act.

## **CHAPTER 2** AMENDMENT IN THE RAJASTHAN VALUE ADDED TAX ACT, 2003

### **3. Amendment of section 3, Rajasthan Act No. 4 of 2003 :-**

In clause (b) of sub-section (1) of section 3 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003), hereinafter in this Chapter referred to as the principal Act, for the existing expression "rupees two lacs", the expression "rupees five lacs" shall be substituted.

### **4. Amendment of section 16, Rajasthan Act No. 4 of 2003 :-**

In sub-section (4) of section 16 of the principal Act, after the existing clause (a) and before the existing clause (b), the following sub-clause shall be inserted, namely:-

"(aa) a dealer has discontinued business at his principal place of business; or".

### **5. Amendment of section 18, Rajasthan Act No. 4 of 2003 :-**

In section 18 of the principal Act, for the existing subsection (2), the following shall be substituted, namely:-

"(2) The input tax credit under sub-section (1) shall be allowed only after verification of the deposit of tax payable by the selling dealer in the manner as may be notified by the Commissioner."

### **6. Amendment of section 20, Rajasthan Act No. 4 of 2003 :-**

In section 20 of the principal Act,-

(i) in sub-section (2), for the existing expression "six percent", the expression "twenty percent" shall be substituted; and

(ii) the existing sub-section (2A) shall be deleted.

**7. Amendment of section 22, Rajasthan Act No. 4 of 2003 :-**

For the existing sub-section (4) of section 22 of the principal Act, the following shall be substituted, namely:-

"(4) No order under this section shall be passed after the last date of submission of annual return for that year

**8. Amendment of section 23, Rajasthan Act No. 4 of 2003 :-**

For the existing section 23 of the principal Act, the following shall be substituted, namely:-

"23. Self Assessment.-

Every registered dealer who has furnished, all the returns under the provisions of section 21 or audit report as contemplated in section 73 along with all the returns under section 21, for the year, before issuance of any notice under sub-section (2) of section 24, shall, subject to the provisions of section 24, be deemed to have been assessed on the basis of such returns and such audit report, as the case may be."

**9. Amendment of section 24, Rajasthan Act No. 4 of 2003 :-**

For the existing section 24 of the principal Act, the following shall be substituted, namely:-

## "24. Assessment.-

(1) Assessment of a dealer shall be for a year and it shall be made after the last date of furnishing of annual return for the year. However, the assessment of a closed business may be made immediately after its closure.

(2) Every return furnished by a registered dealer shall be subject to such scrutiny as may be determined by the Commissioner, to verify its correctness, and if any error is detected in any return or returns, the assessing authority or the officer authorised by the Commissioner shall serve a notice in the prescribed form to the dealer for rectification of the errors and the dealer may file a revised return within such period as specified therein.

(3) Where the dealer, in pursuance of the notice issued under subsection (2),-

(a) furnishes the revised return or returns, as the case may be, in terms of the notice and deposits the tax, interest, late fee, if any, he shall be deemed to have been assessed under section 23; (b) does not furnish revised return or returns, as the case may be, or the revised return or returns, as the case may be, furnished by the dealer is not in terms of the notice, the assessing authority or the officer authorised by the Commissioner, after giving an opportunity of being heard to the dealer and after conducting such enquiry as he may consider necessary, shall assess the dealer to the best of his judgment on the basis of the material available on record.

(4) Where a dealer, fails to furnish return in accordance with the provisions of section 21, the assessing authority or the officer authorised by the Commissioner, after giving an opportunity of being heard to the dealer and after conducting such enquiry as he may consider necessary, shall assess the dealer to the best of his judgment on the basis of the material available on record and shall impose a penalty, for non-filing of returns, of an amount equal to twenty percent of the net tax payable subject to a minimum of five

thousand rupees.

(5) No assessment order under this section shall be passed after the expiry of two years from the end of the relevant year. However, the Commissioner may for reasons to be recorded in writing, extend such time limit in any particular case by a period not exceeding six months.

(6) Notwithstanding anything contained in subsection (5), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority."

**10. Amendment of section 25, Rajasthan Act No. 4 of 2003**  
:-

In section 25 of the principal Act, for the existing subsection (4), the following shall be substituted, namely:-

"(4) Notwithstanding anything contained in this Act, where notice has been issued under sub-section (1), the authority issuing such notice shall be competent to make the assessment for the relevant year.

(5) No notice under sub-section (1) shall be issued after the expiry of five years from the end of the relevant year.

(6) Notwithstanding anything contained in subsections (3) and (5), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such

proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority."

**11. Amendment of section 26, Rajasthan Act No. 4 of 2003**

:-

In section 26 of the principal,-

(i) the existing Explanation of sub-section (1) shall be deleted; and

(ii) for the existing sub-section (3), the following shall be substituted, namely:-

"(3) No notice under sub-section (1) shall be issued after the expiry of five years, and no assessment under this section shall be made after the expiry of eight years, from the end of the relevant year.

(3A) Notwithstanding anything contained in sub-section (3), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority."

**12. Amendment of section 27, Rajasthan Act No. 4 of 2003**

:-

In section 27 of the principal Act, after the existing subsection (5), the following shall be added, namely:-

"(6) No notice under sub-section (4) shall be issued after the expiry of five years, and no assessment under this section shall be made



after the expiry of eight years, from the end of the relevant year.

(7) Notwithstanding anything contained in subsection (6), where any proceeding relating to an assessment is subject to adjudication before the Tax Board or a competent court or any other authority under this Act, assessment in such matters may be passed within two years from the final adjudication of such proceedings. The limitation of two years shall be counted from the date of communication of the order of such final adjudication to the assessing authority."

**13. Amendment of section 38, Rajasthan Act No. 4 of 2003**  
:-

In section 38 of the principal Act, for the existing subsection (7), the following shall be substituted, namely:-

"(7) Notwithstanding anything contained in this Act the State Government may defer the recovery of demand payable by an industrial unit declared sick under the Sick Industrial Companies (Special Provisions) Act, 1985 as amended from time to time (Central Act No. 1 of 1986) to such extent, for such period and on such conditions with regard to the payment or rate of interest as may be deemed proper."

**14. Insertion of section 51B, Rajasthan Act No. 4 of 2003** :-

After the existing section 51A and before the existing section 52 of the principal Act, the following shall be inserted, namely:

"51B. Rebate of tax.-

Notwithstanding anything contained in this Act, if the State Government is of the opinion that it is expedient in the public interest so to do, it may, by notification in the Official Gazette, and subject to such conditions as may be specified therein, allow,

whether prospectively or retrospectively, a rebate up to the full amount of tax to such dealers or class of dealers as may be specified in the notification."

**15. Amendment of section 53, Rajasthan Act No. 4 of 2003**

**:-**

For the existing sub-section (4) of section 53 of the principal Act, the following shall be substituted, namely:-(4) Where refund of any amount becomes due to a dealer, he shall be entitled to receive, in addition to the amount of refund, simple interest at such rate as may be notified by the State Government with effect from 1st April of the year immediately following the year to which it relates upto the date of payment:

Provided that where the dealer has paid any amount of tax after the closing of the year and such amount is required to be refunded, no interest shall be payable for the period prior to the date of the deposit of such amount."

**16. Amendment of section 61, Rajasthan Act No. 4 of 2003**

**:-**

For the existing sub-section (1) of section 61 of the principal Act, the following shall be substituted, namely:-

"(1) Where any dealer has-

(a) disclosed taxable turnover of sale of goods in any return furnished by him at a lower rate of tax than the rate of tax as specified under this Act or otherwise furnished inaccurate particulars deliberately in the return furnished by him; or (b) incorporated any transaction of sale or purchase in his accounts, registers or documents required to be maintained by him under this Act at a lower rate of tax than the rate of tax as specified under this Act; or

(c) concealed any particulars from any return furnished by him; or

(d) concealed any transactions of sale or purchase from his accounts, registers or documents required to be maintained by him under this Act; or

(e) failed to get himself registered as required under section 11 of this Act and has avoided tax; or

(f) avoided or evaded tax in any other manner, the assessing authority or any officer not below the rank of an Assistant Commercial Taxes Officer as may be authorised by the Commissioner, after giving him a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty in addition to tax payable by him under this Act, a sum equal to two times the amount of tax avoided or evaded."

**17. Amendment of section 67, Rajasthan Act No. 4 of 2003**

**:-**

In sub-section (1) of section 67 of the principal Act, for the existing expression "be punishable with simple imprisonment for a term which may extend to six months and with fine not exceeding rupees five thousand, and for the offences covered under clauses (b), (c), (f), (g), and (i) with a minimum sentence of simple imprisonment of three months.", the expression

"(I) for offences described under clauses (c) or (i) or offences where amount of demand notice exceeds rupees one crore under clause (d) be punishable with simple imprisonment for a term which may extend upto three years and also be liable to fine but the minimum sentence shall not be less than simple imprisonment of six months and fine of rupees five thousand; and

(II) for other offences not covered under clause (I), be punishable

with simple imprisonment for a term which may extend upto six months and also be liable to fine." shall be substituted.

**18. Amendment of section 91, Rajasthan Act No. 4 of 2003**

**:-**

For the existing section 91 of the principal Act, the following shall be substituted, namely:-

"91. General Powers of the Commissioner.-

(1) The Commissioner may from time to time, issue such orders, instructions and directions to all officers and persons employed in the execution of this Act as he may deem fit for the administration of this Act, and all such officers and persons shall observe and follow such orders, instructions and directions of the Commissioner.

(2) For the purposes of official use, the Commissioner may, by notice in any newspaper, or in such other manner as he deems proper, call upon all dealers or any class of dealers or persons to furnish such information, statement or return as may be specified in the notice issued in this behalf.

(3) No such orders, instructions, or directions shall be issued under sub-section (1) so as to interfere with the discretion of any appellate authority in the exercise of its appellate functions.

(4) Without prejudice to the generality of the foregoing power, the Commissioner may, on his own motion or on an application by a registered dealer liable to pay tax under this Act, if he considers it necessary or expedient so to do, for the purpose of maintaining uniformity in the work of assessments and collection of revenue, clarify the rate of tax payable under this Act in respect of goods liable to tax under this Act, and all officers and persons employed in the execution of this Act shall observe and follow such clarification.

(5) No such application under sub-section (4) shall be entertained unless it is accompanied by proof of payment of such fee, paid in such manner, as may be prescribed."

**19. Amendment of section 95, Rajasthan Act No. 4 of 2003**

**:-**

In section 95 of the principal Act, for the existing subsection (2), the following shall be substituted, namely:-

"(2) Where any return, application, communication or intimation is submitted by a dealer or his business manager or by a person, electronically through the official website of the Commercial Taxes Department, such return, application, communication or intimation shall be deemed to be submitted by him, if the dealer or business manager or person has given his consent to use the website for e-filing in the prescribed manner:

Provided that dealer or business manager or person, who has consented to use the official website of the Department shall not retract from or repudiate such e-documents submitted by him through the website.

(3) Where any notice, communication or intimation is served on a dealer or his business manager or any person electronically through the official website of the Commercial Taxes Department, then, said notice, communication or intimation shall not be deemed to be invalid only on the ground that it is not personally signed or digitally signed or is not served properly."

**20. Amendment of section 96, Rajasthan Act No. 4 of 2003**

**:-**

The existing section 96 of the principal Act shall be deleted with effect from 5th day of October, 2014.

### **CHAPTER3** AMENDMENT IN THE RAJASTHAN TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) ACT, 1990

#### **21.** Amendment of section 12, Rajasthan Act No. 9 of 1996

:-

In section 12 of the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990 (Act No. 9 of 1996), hereinafter in this Chapter referred to as the principal Act,-

(i) in sub-section (1), for the existing expression "Luxury Tax Officer", the expression "Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf " shall be substituted;

(ii) in sub-section (4), for the existing expression "Luxury Tax Officer", the expression "Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf " shall be substituted; and

(iii) in sub-section (7), for the existing expression "Luxury Tax Officer", the expression "Luxury Tax Officer or any other Officer not below the rank of Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf " shall be substituted.

#### **22.** Amendment of section 20, Rajasthan Act No. 9 of 1996

:-

In section 20 of the principal Act, for the existing expression "at the rate of two percent of the amount of such tax or demand", the expression "at such rate as may be notified by the State Government" shall be substituted.

### **CHAPTER4** AMENDMENT IN THE RAJASTHAN ELECTRICITY (DUTY) ACT, 1962

### **23. Amendment of section 3, Rajasthan Act No. 12 of 1962**

:-

For the existing clause (3) of the proviso to section 3 of the Rajasthan Electricity (Duty) Act, 1962 (Act No. 12 of 1962), the following shall be substituted and shall be deemed always to have been substituted, namely:-

"(3) where the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt fully or partially, whether prospectively or retrospectively, from payment of electricity duty payable on energy consumed by any consumer or class of consumers, without any condition or with such condition as may be specified in the notification."

### **CHAPTER 5 AMENDMENT IN THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957**

### **24. Amendment of section 3, Rajasthan Act No. 24 of 1957**

:-

In section 3 of the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Act No. 24 of 1957), hereinafter in this Chapter referred to as the principal Act, -

(i) for existing clause (1) the following shall be substituted and shall be deemed always to have been substituted, namely:-

"(1) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which television signals and value added services can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the service provider to the subscriber;

(1A) "admission" includes admission as a spectator or as one of an

(1A) admission includes admission as a spectator or as one of an audience and admission for purpose of amusement by taking part in an entertainment and in case of entertainment through cable television network and direct to home broadcasting service, each connection to a subscriber shall be deemed to be an admission;";

(ii) for existing clause (2) the following shall be substituted and shall be deemed always to have been substituted, namely:-

"(2) "admission to an entertainment" includes admission to any place in which the entertainment is held and in case of entertainment through cable service and direct to home broadcasting service, with or without cable connection, each connection to a subscriber shall be deemed to be an admission to an entertainment;";

(iii) clause (4A) shall be substituted by the following, namely,-

"(4A) "direct to home broadcasting service" means distribution of multi-channel television and radio programmes and similar content by using a satellite system, by providing signals directly to subscribers premises without passing through an intermediary or otherwise;";

(iv) clause (6) shall be substituted and shall be deemed always to have been substituted by the following, namely, -

"(6) "entertainment tax" means the tax levied and charged under sections 4 and 4AA and includes the additional tax payable under section 6A;";

(v) in clause (7),-

(i) for the existing punctuation mark ":" appearing at the end of sub-clause (d), the punctuation mark ";" shall be substituted; and



(ii) after the sub-clause (d), so amended and before the existing proviso, the following shall be inserted, namely:-

"(e) any payment made by a person by way of contribution, subscription, installation or connection charges or any other charges, excluding service tax paid under the Finance Act, 1994 (Central Act No. 32 of 1994), collected in any manner whatsoever for cable service;

(f) any payment made by a person by way of contribution, subscription, installation or connection charges or any other charges, excluding service tax paid under the Finance Act, 1994 (Central Act No. 32 of 1994), collected in any manner whatsoever for entertainment through cable service or through direct to home broadcasting service for distribution of television signals and value added services with the aid of any types of addressable system, which connects a television set or computer system at a residential or non-residential place of subscribers premises, directly to the satellite or otherwise:";

(vi) the existing clause (8) shall be substituted by the following, namely:-

"(8) "proprietor", in relation to any entertainment, includes any person-

(a) connected with the organisation of the entertainment, or

(b) charged with a work of admission to the entertainment, or

(c) responsible for, or for the time being in charge of, the management thereof, or

(d) having licence to provide direct to home broadcasting service, by the Central Government under section 4 of the Indian Telegraph

Act, 1885 (Central Act No. 13 of 1885), and Indian Wireless Telegraph Act, 1933 (Central Act No. 17 of 1933) and also includes service provider of cable television signals and value added services registered or licensed under the Cable Television Network (Regulation) Act, 1995 (Central Act No. 7 of 1995);"; and

(vii) for existing clause (11A), the following shall be substituted and shall be deemed always to have been substituted, namely:-

"(11A) "subscriber" means a person who receives the signals of television network and value added services from a proprietor at a place indicated by him, without further transmitting it to any other person:

Provided that, in case of further transmission of signals of cable television network, each room or premises where signals of cable television network are transmitted shall be treated as a subscriber:

Provided further that, in case of direct to home broadcasting service, every television set or computer set receiving the signals shall be treated as a subscriber;".

**25. Amendment of section 4, Rajasthan Act No. 24 of 1957**  
:-

In sub-section (1) of section 4 of the principal Act, after the existing expression "admission to an entertainment," and before the existing expression "a tax at such rate", the expression "other than an entertainment to which section 4AA applies," shall be inserted.

**26. Amendment of section 4AA, Rajasthan Act No. 24 of 1957** :-

For the existing section 4AA of the principal Act, the following shall be substituted, namely:-

"4AA. Levy of Tax on Cable Service and Direct to Home Broadcasting service.-

(1) Subject to the provisions of this Act, there shall be charged, levied and paid an entertainment tax on all payments for admission to an entertainment through a direct to home broadcasting service or through a cable service with addressable system or otherwise, other than entertainment to which section 4 applies, at such rates not exceeding twenty percent of the payment for admission for every subscriber, as the State Government may, notify in this behalf.

(2) Notwithstanding anything contained in subsection (1), the State Government may fix the rates of tax for the tax payable under this section a fixed amount, as may be notified but not exceeding rupees fifty, per subscriber per month or part thereof.

(3) Nothing in sub section (1) shall preclude the State Government from notifying different rates of entertainment tax for house hold or for different categories of hotels.

(4) Where the subscriber is a hotel or a restaurant, the proprietor may, in lieu of payment under sub section (1), pay a compounded amount to the State Government on such conditions and in such manner as may be prescribed and at such rate as the State Government may, notify and different rates of compounded amount may be notified for the different category hotels and restaurants."

**27. Amendment of section 4AAA, Rajasthan Act No. 24 of 1957 :-**

The existing section 4AAA of the principal Act shall be deleted.

**28. Amendment of section 5B, Rajasthan Act No. 24 of 1957 :-**

In sub-section (2) of section 5B of the principal Act, the existing expression ",4AAA" shall be deleted.

**29. Amendment of section 6, Rajasthan Act No. 24 of 1957**

:-

In section 6 of the principal Act,-

- (i) In sub-section (1), after the expression "subject to the entertainment tax" and before the expression, ",", except with a ticket", the expression "payable under section 4," shall be inserted;
- (ii) In sub-section (3), after the existing expression, "tax is payable under" and before the existing expression "this Act", the expression, "section 4 of" shall be inserted.

**30. Amendment of section 8, Rajasthan Act No. 24 of 1957**

:-

For the existing section 8 of the principal Act, the following shall be substituted, namely:-

"8. Refund.-

(1) Where any amount is refundable to a proprietor or a person under the provisions of this Act, the prescribed authority shall, after having duly verified the fact of deposit of such amount, refund to such proprietor or person such amount in the prescribed manner.

(2) An amount refundable under this Act shall be refunded within thirty days from the date of submission of application and if such amount is not refunded within the aforesaid period of thirty days, the proprietor shall be entitled to get interest with effect from the date succeeding the date of expiry of the aforesaid period upto the date of payment, at such rate as may be notified by the State

Government.

(3) Notwithstanding anything contained in this section or in any other law for the time being in force, only the proprietor or the person, who has actually suffered the incidence of tax or has paid the amount, can claim a refund and the burden of proving the incidence of tax so suffered or the amount so paid shall be on the proprietor or the person claiming the refund."

**31. Amendment of section 9A, Rajasthan Act No. 24 of 1957**  
:-

In clause (a) of section 9A of the principal Act, the existing expression ",4AAA" shall be deleted.

**32. Amendment of section 10B, Rajasthan Act No. 24 of 1957** :-

For the existing section 10B of the principal Act, the following shall be substituted, namely,-

"10B. Penalty for non-payment of Tax on cable service and direct to home broadcasting service.-

Where the proprietor of a cable television network providing cable service or a proprietor of a direct to home broadcasting service, contravenes any of the provisions of this Act or the rules made thereunder or fails to comply with any order or direction issued in accordance with the provisions of this Act or the rules made thereunder, shall on conviction, be punishable with a sentence of simple imprisonment not exceeding six months or fine not exceeding two thousand rupees or both."

**CHAPTER 6** AMENDMENT IN THE RAJASTHAN TAX ON ENTRY OF GOODS INTO LOCAL AREAS ACT, 1999

### **33. Amendment of section 3, Rajasthan Act No. 13 of 1999**

:-

In sub-section (1) of section 3 of the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999 (Act No. 13 of 1999), for the existing expression "twenty percent" the expression "sixty five percent", shall be substituted.

## **CHAPTER 7 AMENDMENT IN THE RAJASTHAN STAMP ACT, 1998**

### **34. Amendment of section 2, Rajasthan Act No. 14 of 1999**

:-

In section 2 of the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), hereinafter in this Chapter referred to as the principal Act,-

(i) after the existing clause (x) and before the existing clause (xi), the following shall be inserted, namely:-

"(x-a) "Concession agreement" means an agreement involving a grant of rights, land or property by the State Government, local authority, public sector undertaking or other statutory entity to provide some service on commercial basis using such assets of the State Government or a local authority or a public sector undertaking, as the case may be, subject to certain conditions;"

(ii) after the existing clause (xxi) and before the existing clause (xxii), the following shall be inserted, namely:-

"(xxi-a) "Leave and Licence" means any instrument, whether called leave or licence or called by any other name, by which one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immovable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in property;" and

(iii) for the existing clause (xxiii), the following shall be substituted, namely:-

"(xxiii) "market value" in relation to any property, which is the subject matter of an instrument, means the price which such property would have fetched or would fetch if sold in open market on the date of execution of such instrument as determined by in such manner and by such authority as may be prescribed by rules made under this Act or the consideration stated in the instrument, whichever is higher;"

**35. Amendment of section 4, Rajasthan Act No. 14 of 1999**  
:-

For the existing section 4 of the principal Act, the following shall be substituted, namely:-

"4. Payment of stamp duty in cash.-

(1) Notwithstanding anything contained in section 10,-

(i) any instrument chargeable with the stamp duty may be executed on an unstamped paper; and

(ii) the stamp duty chargeable on such instrument may be paid or collected in such manner as the State Government may prescribe by rules.

(2) The registering officer or any other officer authorized by the State Government shall, on production of such proof of payment of stamp duty under clause (ii) of sub-section (1) as the State Government may prescribe by rules, endorse on the instrument the amount of stamp duty so paid in such manner as the State Government may prescribe by rules.

(3) An instrument endorsed under sub-section (2) shall be deemed to be duly stamped under this Act and may be used or acted upon as such to all intents and for all purposes."

**36. Insertion of section 4-A, Rajasthan Act No. 14 of 1999**

:-

After the existing section 4 and before the existing section 5 of the principal Act, the following shall be inserted, namely:-

"4-A. Rounding off of fractions in duty, fee or surcharge payable or allowances to be made.-

In determining the amount of duty, surcharge or fee payable, or of the allowances to be made, under this Act, any fraction of 10 rupees, equal to or exceeding 50 paise shall be rounded off to next 10 rupees, and any fractions of less than 50 paise shall be disregarded."

**37. Amendment of section 39, Rajasthan Act No. 14 of 1999**

:-

For the existing sub-clause (ii) of clause (a) of proviso to section 39 of the principal Act, the following shall be substituted, namely:-

"(ii) a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but such penalty shall not exceed to two times of the deficient stamp duty."

**38. Amendment of section 43, Rajasthan Act No. 14 of 1999**

:-

For the existing section 43 of the principal Act, the following shall



be substituted, namely:-

"43. Collectors power to refund penalty under sub-section (1) of section 42.-

Where a copy of an instrument which has been impounded only because it has been written in contravention of section 13 or section 14 is sent to the Collector under sub-section (1) of section 42, he may refund whole penalty paid in respect of such instrument."

**39. Amendment of section 44, Rajasthan Act No. 14 of 1999**  
:-

In sub-clause (ii) of clause (b) of sub-section (1) of section 44 of the principal Act, for the existing expression "a penalty of one hundred rupees; or, if he thinks fit an amount not exceeding ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of one hundred rupees:", the expression "a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty:" shall be substituted.

**40. Amendment of section 51, Rajasthan Act No. 14 of 1999**  
:-

In section 51 of the principal Act,-

(i) for the existing sub-section (3), the following shall be substituted, namely:-

"(3) On receipt of the instrument under subsection (1) or (2), the Collector shall, after giving the parties a reasonable opportunity of

being heard and after holding an enquiry in the prescribed manner, determine the market value and stamp duty including the penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and surcharge, if any, payable thereon and if the amount of stamp duty including penalty and surcharge, if any, so determined exceeds the amount of stamp duty including penalty and surcharge, if already paid, the deficient amount shall be payable by the person liable to pay the stamp duty including penalty and surcharge, if any."; and

(ii) for the existing sub-section (5), the following shall be substituted, namely:-

"(5) The Collector may, suo motu or on a reference made under sub-section (4) call for and examine any instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or the executant or any other person for the purpose of satisfying himself as to correctness of the market value of the property, and if after such examination, he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine in accordance with the procedure provided in sub-section (3) the market value and the amount of stamp duty, if any, payable thereon together with a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, which shall be payable by the person liable to pay the stamp duty and penalty.".

**41. Insertion of section 52-A, Rajasthan Act No. 14 of 1999**  
:-

After the existing section 52 and before the existing section 53 of the principal Act, the following shall be inserted, namely:-

"52-A. Reopening of ex parte orders.-

(1) Where an order has been passed by the Collector ex parte under this Act, the aggrieved person may apply to the Collector for reopening of such order within thirty days from the date of communication of such order to him on the grounds that he did not receive the notice or summons issued to him in the matter or that he was prevented by sufficient cause from complying with any notice or summons issued to him.

(2) If the Collector is satisfied with the ground specified in the application made under sub-section (1), he shall reopen the ex parte order and after hearing the aggrieved person may pass such order as he may think proper in the circumstances of the matter within three months from the date of receipt of the application under sub-section (1).".

**42. Amendment of section 53, Rajasthan Act No. 14 of 1999**  
:-

In section 53 of the principal Act,-

(i) for the existing sub-section (3), the following shall be substituted, namely:-

"(3) On receipt of document or instrument under sub-section (1) or (2), the Collector shall, after giving the parties a reasonable opportunity of being heard, determine the correct nature of the document or instrument and the stamp duty including the penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and surcharge, if any, payable thereon and may require the payment of the stamp duty including penalty and surcharge, if any, so determined or the

amount required to make up the same."; and

(ii) for the existing sub-section (5), the following shall be substituted, namely:-

"(5) The Collector may, suo motu or on a reference made under sub-section (4) or otherwise call for and examine any document or instrument not referred to him under sub-section (1) or (2), from any person referred to in sub-section (4) or the executant or any other person, which has been registered and returned to the executant or any other person for the purpose of satisfying himself as to the correctness with regard to the nature of the document or instrument and if he is satisfied, after giving the parties a reasonable opportunity of being heard, that the nature of document or instrument had not correctly been mentioned or determined, he may determine the correct nature of the document or instrument and the stamp duty, if any, payable thereon together with a penalty at the rate of two percent of the amount of the deficient duty per month or part thereof for the period during which the instrument remained unstamped or insufficiently stamped or twenty five percent of the deficient stamp duty, whichever is higher, but not exceeding two times of the deficient stamp duty, and require payment of stamp duty including penalty, if any, so determined or the amount require to make up the same.".

**43. Insertion of section 56-A, Rajasthan Act No. 14 of 1999**  
:-

After the existing section 56 and before the existing section 57 of the principal Act, the following shall be inserted, namely:-

"56-A. Power of Inspector General of Stamps to reduce or waive interest and penalty.-

(1) Notwithstanding anything contained in this Act, Inspector General of Stamps may on an application made in this behalf by a defaulter, reduce or waive the amount of interest or penalty or both

upto a maximum limit of rupees twenty five thousand if the defaulter agrees to deposit the remaining amount of duties, penalties, interest and any other sums required to be paid by him under this Act within thirty days from such order.

(2) If the defaulter fails to deposit the amount specified in sub-section (1) within the time specified in that sub-section, the order of reduction or waiver passed under sub-section (1) shall stand withdrawn on the expiry of aforesaid period of thirty days."

**44. Amendment of section 72, Rajasthan Act No. 14 of 1999**  
:-

For the existing section 72 of the principal Act, the following shall be substituted, namely:-

"72. Interest on duty, surcharge or penalty.-

(1) Where any amount of duty or surcharge is recoverable from a person as a result of any order passed in any proceeding under this Act (including determination, appeal, revision, rectification or otherwise), he shall be liable to pay interest at the rate of twelve per cent compounded per annum on the amount of duty or surcharge from the date of execution of such instrument until the date of payment of such amount.

(2) Where any amount of penalty is recoverable from a person as a result of any order passed under this Act, he shall be liable to pay interest at the rate of twelve percent compounded per annum on the amount of such penalty from the date of such order until the date of payment of such amount."

**45. Amendment of the Schedule, Rajasthan Act No. 14 of 1999**  
:-

In the Schedule of the principal Act,-

(i) for the existing clause (f) of Article 5, the following shall be substituted, namely:-

|   |   |
|---|---|
| "(f) If relating to any advertisement made for promotion of any product; or programme or event with an intention to make profits  |   |
| or business out of it,-<br>(i) if the amount agreed does not exceed rupees ten lacs;  | Two rupees and fifty paise for every rupees 1,000 or part thereof on the amount agreed in the contract subject to minimum of rupees 100.  |
| (iii) in any other case   | Five rupees for every rupees 1,000 or part thereof on the amount agreed in the contract.  |
| (ff) If relating to conferring exclusive rights of telecasting, broadcasting or exhibition of an event or film,-  |   |
| (i) if the amount agreed does not exceed rupees ten lacs;   | Two rupees and fifty paise for every rupees 1,000 or part thereof on the amount agreed in the contract subject to minimum of rupees 100.  |
| (ii) in any other case  | Five rupees for every rupees 1,000 or part thereof on the amount agreed in the contract.";  |
| (ii) for the existing Article 5-A, the following shall be substituted, namely:-<br>"5-A. Record of Transaction (Electronics or Otherwise) effected by a trading member through the association or stock exchange referred to in |   |
| section 2, clause (ia) and (xxxvii),-   |   |
| (a) if relating to sale and purchase of Government securities.  | Fifty rupees for every rupees one crore or part thereof of the value of security.   |
| (b) if relating to purchase or sale of securities, other than those falling under item (a) above-   |   |
| (i) in case of delivery<br>(ii) in case of non delivery<br>(c) if relating to futures and options trading.<br>(d) if relating to forward contracts of commodities   | 0.01 percent of the value of security.<br>0.01 percent of the value of security.<br>0.01 percent of the value of futures and options trading.<br>0.01 percent of the value of the forward |

|  |  |
|--|--|
| traded through an association or otherwise.  | contract.  |
| Explanation.- For the purpose of clause (b), securities shall have the same meaning as defined by the Securities Contract (Regulation) Act, 1956.";  |  |
| (iii) after the existing Article 20 and before the existing Article 21, the following Article shall be inserted, namely:-<br>"20-A. Concession agreement as defined by section 2(x-a).   | (i) Rupees 2 lacs, where the total capital investment  |
| Explanation.-  | is upto rupees 10 crore;   |
| Notwithstanding anything contained in any other provision of this Act, a concession agreement executed prior to the date of commencement of the Rajasthan Finance Act, 2014 (Act No.--<br>- - of 2014), shall be chargeable under this Article and shall be stamped within 30 days of such commencement.   | (ii) Rupees 10 lacs, where the total capital investment exceeds rupees 10 crore but does not exceed rupees 50 crore;<br>(iii) Rupees 40 lacs, where the total capital investment exceeds rupees 50 crore but does not exceed rupees 200 crore;<br>(iv) Rupees 1 crore, where the total capital investment exceeds rupees 200 crore but does not exceed rupees 500 crore;<br>(v) Rupees 2 crore, where the total capital investment exceeds rupees 500 crore but does not exceed rupees 1000 crore;<br>(vi) Rupees 5 crore, where the total capital investment exceeds rupees |
|  | 1000 crore but does not exceed rupees 2500 crore; and (vii) Rupees 10 crore, where the total capital investment exceeds rupees 2500 crore.";   |
| (iv) for the existing clause (iii) of Article 21, the following shall be substituted, namely:-<br>"(iii) if relating to the order under section 394 of the Companies Act, 1956 (Central Act No. 1 of 1956) or section 44-A of the Banking Regulation Act, 1949 (Central Act No. 10 of 1949) in respect of amalgamation, demerger or reconstruction of a company. | Two percent on that part of the net worth of the transferor company which is equal to the proportion the value of the immovable property of the transferor company situated in the State of Rajasthan bears to the value of the whole of immovable property of the transferor company; in addition to the stamp duty paid on the instrument elsewhere, if any.";   |
| (v) after the clause (iii), so amended, and before the "Exemption" of Article 21, the following clause shall be inserted, namely:-<br>"(iv) if relating to Transferable Development Rights (TDR)   | Five percent on the market value of the Transferable Development Rights equal to the market value of the corresponding portion of the  |
|  | property leading to such Transferable Development Rights, which is the subject   |

|   |  |
|---|--|
|   | matter of conveyance; or consideration for such conveyance; whichever is higher.";   |
| (vi) the existing Explanation:-<br>(ii) of Article 21, shall be deleted; and  |  |
| (vii) After the existing Article 33 and before the existing Article 34, the following Article shall be inserted, namely:-<br>"33-A. Leave and Licence Agreement relating to immovable property other than the residential property. | One rupee for every hundred rupees or part thereof on the whole amount payable or deliverable plus the total amount of fine or premium or money advanced or to be advanced irrespective of the period for which such leave and licence agreement is executed." |

## **CHAPTER 8** AMENDMENT IN THE RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951

### **46. Amendment of section 4-D, Rajasthan Act No. 11 of 1951 :-**

For the existing section 4-D of the Rajasthan Motor Vehicles Taxation Act, 1951(Act No. 11 of 1951), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"4-D. Levy of Green Tax.-

(1) There shall be levied and collected a cess called "green tax", in addition to the tax levied under sections 4, 4-B and 4-C of the Act, on such vehicles suitable for use on road as specified in column (2), at such time as specified in column (3), of the table below at such rates, not exceeding the maximum rates specified in column (4) of the table, as may be fixed by the State Government by notification in the Official Gazette, for the purpose of implementation of various measures to control air pollution.

| <b>S. No.</b> | <b>Class of the Vehicle</b> | <b>Time</b> | <b>Maximum rate of cess (in Rupees)</b> |
|---------------|-----------------------------|-------------|---|
| 1             | 2                           | 3           | 4                                       |
| 1.            | Non-transport vehicle       |             |   |
|               | (a) two                     |             | 1000                                    |



|  |   |   |       |
|--|---|---|-------|
|  | wheelers  |   |       |
|  | (b) four wheeled diesel driven vehicles   |   |       |
|  | I. Light Motor Vehicle with engine capacity up to 1500 cc                                     | At the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of certificate of registration under sub-section (10) of section 41 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988). | 5000  |
|  | II. Light Motor Vehicle with engine capacity above 1500 cc and up to 2000 cc                  |   | 10000 |
|  | III. Light Motor Vehicle with engine capacity above 2000 c c with seating capacity up to 5    |   | 10000 |
|  | IV. Light Motor Vehicle with engine capacity above 2000 c c with seating capacity more than 5 |   | 25000 |
|  | (c) four wheeled petrol/LPG driven vehicles   |   |       |
|  | I. Light Motor Vehicle with engine capacity up to 1500 cc                                     |   | 2000  |
|  | II. Light Motor Vehicle with engine capacity above 1500 cc and upto 2000 cc                   |   | 2500  |
|  | III. Light Motor Vehicle  |   |       |

|    |   |  |      |
|----|---|--|------|
|    | with engine capacity above 2000 C C with seating capacity up to 5                             |  | 3000 |
|    | IV. Light Motor Vehicle with engine capacity above 2000 C C with seating capacity more than 5 |  | 5000 |
|    | (d) other than above fuel driven four wheeled vehicles.                                       |  | 1000 |
|    | (e) other Non-transport vehicles.   |  | 2000 |
| 2. | Transport vehicle   | At the time of registration under section 41, or assignment under section 47 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and thereafter at the time of renewal of fitness certificate under section 56 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) | 2000 |

(2) The provisions of this Act and the rules made there under excluding those relating to refund of tax shall, so far as may be, apply in relation to the imposition, payment, computation and recovery of the cess payable under sub-section (1), as they apply to the imposition, payment, computation and recovery of tax payable under this Act."

**47. Amendment of section 5, Rajasthan Act No. 11 of 1951**  
:-

In sub-section (1) of section 5 of the principal Act,-

(i) in second proviso for the existing expression "three", the expression "six" shall be substituted; and

(ii) the existing third proviso shall be deleted.

## **CHAPTER 9 AMENDMENT IN THE RAJASTHAN EXCISE ACT, 1950**

### **48. Deletion of section 25, Rajasthan Act No. 2 of 1950 :-**

The existing section 25 of the Rajasthan Excise Act, 1950 (Act No. 2 of 1950), hereinafter in this Chapter referred to as the principal Act, shall be deleted.

### **49. Amendment of section 42, Rajasthan Act No. 2 of 1950 :-**

In clause (h) of section 42 of the principal Act, for the punctuation mark ".", appearing at the end, the punctuation mark ";" shall be substituted and after clause (h), so substituted, the following clause shall be inserted, namely:-

"(i) prescribing the norms of production of excisable articles from any kind of raw material."

### **50. Insertion of section 62A, Rajasthan Act No. 2 of 1950 :-**

After the existing section 62 and before the existing section 63 of the principal Act, the following shall be inserted, namely:-

"62A. Offence by company.-

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person incharge of such establishment, branch, unit nominated by the company as responsible for excisable articles shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act 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 this 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."

**51. Amendment of section 67, Rajasthan Act No. 2 of 1950**  
:-

For the existing clause (a) of sub-section (1) of section 67 of the principal Act, the following shall be substituted, namely:-

"(a) under section 54 or section 54B or section 54D or section 57 or section 59 or section 62A or section 63 except on his own knowledge or suspicion or on a complaint or the report of an Excise Officer; or".

## **CHAPTER 10** AMENDMENT IN THE RAJASTHAN FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2005

### **52. Amendment of section 2, Rajasthan Act No. 7 of 2005 :-**

After clause (k) and before clause (1) of section 2 of the Rajasthan Fiscal Responsibilities and Budget Management Act, 2005 (Act No. 7 of 2005), hereafter in this Chapter referred to as the principal Act, the following clause shall be inserted, namely:-

"(kk) "Rajasthan Development and Poverty Alleviation Fund" means a Fund created under section 6A;"

### **53. Insertion of section 6A, Rajasthan Act No. 7 of 2005 :-**

After the existing section 6 and before the existing section 7 of the principal Act, the following shall be inserted, namely:-

"6A. Rajasthan Development and Poverty Alleviation Fund.-

(1) There shall be created a fund called "Rajasthan Development and Poverty Alleviation Fund" (hereinafter referred to as the Fund) in the Public Account of the State.

(2) Tax receipts of the State, comprising of its own taxes and share in central taxes, in any year in excess of 17.5% over previous year and any other revenue receipts, as the State Government may think fit, shall, if the State Legislature by appropriation made by law in this behalf so provides, be credited to the Fund in the ensuing year.

(3) The Fund may be used by the State Government only for the following purposes:-

(a) to meet revenue or capital expenditure in a year wherein tax receipts of the State, comprising of its own taxes and share in central taxes, are estimated to be less than 10% over the previous year;

(b) to meet expenditure on developmental schemes or poverty reduction programmes.

(4) The Fund shall not be used for meeting non-developmental or establishment expenditure as defined by Comptroller and Auditor General of India."

## **CHAPTER 11 INFRASTRUCTURE DEVELOPMENT CESS**

### **54. Extent and commencement :-**

(1) This Chapter shall extend to the whole of the State of Rajasthan.

(2) This Chapter shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### **55. Definitions :-**

(1) In this Chapter, unless the context otherwise requires,-

(a) "cess" means the infrastructure development cess levied under section 56;

(b) "infrastructure" means projects relating to roads, bridges, flyovers, metro-railway, electricity generation plants, wind mills, solar plants, transmission and distribution lines, electric

substations, water supply system, water filtration and treatment plants, sewage treatment plants, drainage pipelines, sanitation facilities, irrigation structures, irrigation canals and reservoirs, water harvesting and water conservation, industrial corridors, investment and manufacturing zones, special economic zones, education and research, sports, health care, tourism, transportation and such other schemes or projects as may be specified by the State Government from time to time;

(c) "prescribed" means prescribed by rules made under this Chapter;

(d) "purchase price", for the purposes of levying cess under this Chapter, means the amount payable by a dealer as consideration for the purchase of goods including all statutory levies payable; and

(2) Words and expressions used but not defined in this Chapter shall have the meaning assigned to them under the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003).

## **56. Levy and collection of cess :-**

(1) Subject to the other provisions of this Chapter and the provisions of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956), with effect from such date as the State Government may, by notification in the Official Gazette, specify, there shall be levied and collected a cess on sale or purchase of such goods, at such rates, not exceeding six per cent of the sale or purchase price of the goods, as may be notified by the State Government.

(2) The cess leviable under sub-section (1) shall be in addition to any tax leviable on the sale or purchase of goods specified in sub-section (1) under any other law for the time being in force.

## **57. Application of proceeds of cess :-**

The proceeds of the cess levied under this Chapter, reduced by the cost of collection as determined by the State Government, shall, if State Legislature by appropriation made by law in this behalf so provides, be utilized for all or any of the following objects namely:-

(a) development of infrastructure; or

(b) maintenance, renovation or management of infrastructure projects; or

(c) financing infrastructure development projects.

**58. Power to exempt :-**

If the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt fully or partially, whether prospectively or retrospectively, from payment of cess payable under this Chapter by any person or class of persons, without any condition or with such condition as may be specified in the notification.

**59. Furnishing of returns :-**

Every person shall furnish return in such manner and at such time and with such late fee not exceeding fifty thousand rupees, for delayed furnishing of returns, to such officer or authority, as may be prescribed.

**60. Applicability of the provisions of the Rajasthan Value Added Tax Act, 2003 :-**

Save as otherwise provided in this Chapter, the provisions of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003) and the rules made thereunder, relating to assessment, collection, interest, penalty, recovery, refunds, appeal and revision shall, mutatis



mutandis, apply in respect of cess leviable under this Chapter.

**61. Power to make rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which accounts relating to the proceeds of the cess shall be maintained;

(b) the manner in which the proceeds of the cess may be applied on the objects specified in section 57;

(c) the determination of the cost of collection of the cess; or

(d) generally to carry out the purposes of this Chapter.

(3) All rules made under this Chapter shall be laid, as soon as may be after they are made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or of the session immediately following. The House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, howsoever, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.