

Rajasthan Finance Act, 2015

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An Act further to amend the Rajasthan Value Added Tax Act, 2003, the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999, the Rajasthan Tax on Luxuries (In Hotels and Lodging Houses) Act, 1990, the Rajasthan State Road Development Fund Act, 2004, the Rajasthan Stamp Act, 1998 and the Rajasthan Finance Act, 2014 in order to give effect to the financial proposals of the State Government for financial year 2015-16 and to make certain other provisions.

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

CHAPTER 1 PRELIMINARY

1. Short title :-

This Act may be called the Rajasthan Finance Act, 2015.

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 3, 7, 8, 12 and 13 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 24, Rajasthan Act No. 4 of 2003 :-

In section 24 of the Rajasthan Value Added Tax Act, 2003 (Act No. 4 of 2003), hereinafter in this Chapter referred to as the principal Act,-

- (i) for the existing punctuation mark ".", appearing at the end of sub-section (5), the punctuation mark ":" shall be substituted;
- (ii) after the sub-section (5), so amended, and before the existing sub-section (6), the following proviso shall be inserted, namely:-
"Provided that the assessment for the year 2012-13 shall be made upto 30.06.2015."

4. Insertion of section 80A, Rajasthan Act No. 4 of 2003 :-

After the existing section 80 and before the existing section 81 of the principal Act, the following shall be inserted, namely.-

"80A. Liability to furnish information by certain persons.-

(1) Any person who-

(i) effects sale or purchase within the State of Rajasthan, or places offer for sale or purchase so as to be accessible, visible or audible within the State of Rajasthan, through electronic media; or

(ii) transports, receives for transportation or delivers goods in pursuance of sale or purchase effected within the State of Rajasthan through electronic media; or

(iii) receives any amount in connection with the goods sold or purchased within the State of Rajasthan through electronic media, whether for himself or on behalf of the seller or purchaser, shall furnish or cause to be furnished, such information, for such period, in such manner, and within such time, to such officer or authority, as may be notified by the Commissioner.

(2) Any person who fails to furnish information within the period notified under sub-section (1) shall be liable to pay by way of penalty a sum not exceeding rupees one lac, and in case of a continuing default, a further penalty of rupees one thousand for every day of such continuance."

CHAPTER 3 AMENDMENT IN THE RAJASTHAN TAX ON ENTRY OF GOODS INTO LOCAL AREAS ACT, 1999

5. Amendment of section 12, Rajasthan Act No. 13 of 1999

:-

For the existing sub-sections (1) and (2) of section 12 of the Rajasthan Tax on Entry of Goods into Local Areas Act, 1999 (Act No. 13 of 1999), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"(1)(a) Every registered dealer shall assess his liability under this Act, and shall furnish return, for such period, in such form and manner, and within such time and with such late fee, not exceeding fifty thousand rupees, for delayed furnishing of returns, as may be prescribed, to the assessing authority or to the officer authorized by the Commissioner.

(b) Any person or a dealer as may be required by a notice to do so by the assessing authority or by an officer authorized by the Commissioner in this behalf, shall furnish return for such period in such form and manner and within such time as may be specified.

(2) Notwithstanding anything contained in subsection (1), where

the Commissioner is of the opinion that it is expedient in the public interest so to do, he may, by a notification in the Official Gazette, extend the date of submission of the returns or may dispense with the requirement of filing any or all the returns by a dealer or class of dealers."

6. Amendment of section 35, Rajasthan Act No. 13 of 1999
:-

In section 35 of the principal Act,-

- (i) the existing clause (a) of sub-section (1) shall be deleted;
- (ii) for the existing clause (a) of sub-section (2), the following shall be substituted, namely:-

"(a) wilfully submits an untrue return; or".

CHAPTER 4 AMENDMENT IN THE RAJASTHAN TAX ON LUXURIES
(IN HOTELS AND LODGING HOUSES) ACT, 1990

7. Amendment of section 2, Rajasthan Act No. 9 of 1996 :-

In sub-section (1) of section 2 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 clause (i), after the existing expression "entertainment," and before the existing expression "extra beds", the expression "spa, massage," shall be inserted; and

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

"(ja) "marriage hall" means a hotel, where a residential accommodation or a space is provided by way of business generally for the purpose of organising functions related to marriage;"

8. Insertion of section 4A, Rajasthan Act No. 9 of 1996 :-

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

"4A. Payment of lump sum in lieu of tax.-

- (1) Notwithstanding anything contained in this Act, the State Government may provide an option for payment of tax in a lump sum in respect of luxuries provided in such marriage hall on such terms and conditions as may be notified by the State Government.

- (2) The tax in lump sum specified in sub-section (1) shall not exceed the limit of maximum tax liability as provided in sub-section (1) of section 4."

9. Amendment of section 16, Rajasthan Act No. 9 of 1996 :-

For the existing sub-section (1) of section 16 of the principal Act, the following shall be substituted, namely:-

"(1) Every registered hotelier shall assess his liability under this Act, and shall furnish return, for such period, in such form and manner, and within such time and with such late fee, not exceeding fifty thousand rupees, for delayed furnishing of returns, as may be prescribed, to the Luxury Tax Officer or to the officer authorized by the Commissioner."

10. Amendment of section 21, Rajasthan Act No. 9 of 1996 :-

The existing sub-section (2) of section 21 of the principal Act, shall be deleted.

CHAPTER 5 AMENDMENT IN THE RAJASTHAN STATE ROAD DEVELOPMENT FUND ACT, 2004

11. Amendment of section 3, Rajasthan Act No. 13 of 2004 :-

In sub-section (2) of section 3 of the Rajasthan State Road Development Fund Act, 2004 (Act No. 13 of 2004), for the existing expression "one rupee", the expression "three rupees" shall be substituted

CHAPTER 6 AMENDMENT IN THE RAJASTHAN STAMP ACT, 1998

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

In the Schedule to the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999),-

(i) in Article 3, for the existing expression "One hundred rupees.", appearing under Column No. 2, the expression "Three hundred rupees." shall be substituted;

(ii) in Article 4, for the existing expression "Ten rupees.", appearing under Column No. 2, the expression "Twenty rupees." shall be substituted;

(iii) in clause (d) of Article 5, for the existing expression "0.1 % of the amount of loan or debt.", appearing under Column No. 2, the expression "0.15 % of the amount of loan or debt." shall be

substituted;

(iv) in clause (a) of Article 6 , for the existing expression "0.1 percent of the amount of loan or debt.", appearing under Column No. 2, the expression "0.15 percent of the amount of loan or debt." shall be substituted;

(v) after the existing Article 13 and before the existing Article 14, the following shall be inserted, namely:-

"13-A. Bank Guarantee, that is to say, guarantee deed executed by a bank as a surety to secure the due performance of a contract or the due discharge of a liability -0.25 percent of the amount secured subject to maximum of rupees 25000/-.";

(vi) after the existing Article 35 and before the existing Article 36, the following shall be inserted, namely:-

"35-A. Licence relating to arms or ammunitions, that is to say, document evidencing the licence or renewal of licence relating to arms or ammunitions under the provisions of the Arms Act, 1959 (Central Act No. 54 of 1959),-

(a) Licence relating to following arms:-

(i) Revolvers or pistols- Three thousand rupees.

(ii) Rifles-One thousand five hundred rupees.

(iii) DBBL Weapons-One thousand rupees

(iv) SBBL Weapons -One thousand rupees.

(v)ML Weapons-Five hundred rupees.

(b) Licence relating to arms or ammunitions on following Forms as set out in Schedule III to the Arms Rules, 1962:-

(i) Form XI -Ten thousand rupees.

(ii) Form XII-Ten thousand rupees.

(iii) Form XIII-Five thousand rupees.

(iv) Form XIV- Three thousand rupees

(c) Renewal of licence relating to following arms:-

(i) Revolvers or pistols-One thousand rupees

(ii) Rifles-Seven hundred fifty rupees.

(iii) DBBL Weapons-Five hundred rupees.

(iv) SBBL Weapons -Five hundred rupees

(v)ML Weapons-One hundred rupees.

(d) Renewal of licence relating to arms or ammunitions on following Forms as set out in Schedule III to the Arms Rules, 1962:-

(i) Form XI-Three thousand rupees

(ii) Form XII-Three thousand rupees.

(iii) Form XIII- Two thousand rupees

(iv) Form XIV- One thousand rupees."

(vii) in clause (a) of Article 44, for the existing expression "Fifty

rupees.", appearing under Column No. 2, the expression "One hundred rupees." shall be substituted;

(viii) in clause (b) of Article 44, for the existing expression "Fifty rupees.", appearing under Column No. 2, the expression "One hundred rupees." shall be substituted;

(ix) in clause (c) of Article 44, for the existing expression "One hundred rupees.", appearing under Column No. 2, the expression "Two hundred rupees." shall be substituted;

(x) in clause (d) of Article 44, for the existing expression "One hundred rupees.", appearing under Column No. 2, the expression "Two hundred rupees." shall be substituted; and

(xi) for the existing clause (a) of Article 48, the following shall be substituted, namely:-

"(a) where the release deed is executed by or in favour of a family member. - Five hundred rupees.

Explanation.- "family member" means husband, wife, son, daughter, father, mother, brother, sister, wife or children of predeceased brother, husband or children of predeceased sister, wife of a predeceased son and children of a predeceased son or predeceased daughter."

CHAPTER 7 AMENDMENT IN THE RAJASTHAN FINANCE ACT, 2014

13. Amendment of section 56, Rajasthan Act No. 14 of 2014 :-

In sub-section (1) of section 56 of the Rajasthan Finance Act, 2014 (Act No. 14 of 2014), after the existing expression "purchase of such goods" and before the existing expression ", at such rates", the expression "by such dealer" shall be inserted.