
Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2009

[05 August 2009]

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:- An Act further to amend the Tamil Nadu Value Added Tax Act, 2006. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2009 (ACT No.25 OF 2009).
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion Of New Section 6-A :-

After Section 6 of the Tamil Nadu Value Added Tax Act, 2006 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:--

"6-A. Payment of tax at compounded rate by brick manufacturers.--

- (1) Notwithstanding anything contained in this Act, every dealer manufacturing bricks may, at his option, instead of paying tax in accordance with the provisions of sub-section (2) of section 3, pay tax, for each year, by way of composition the lumpsum linked with production capacity of each kiln as specified in the Seventh

Schedule.

(2) Every dealer, who opts for payment of tax under sub-section (1), shall apply to the assessing authority on or before the 30th day of April of the year or within thirty days of commencement of business, as the case may be and shall pay tax in advance during the year in monthly instalments and for this purpose, he shall furnish such returns, within such period and in such manner, as may be prescribed.

Provided that for the year 2009-10, every dealer who opts for payment of tax under sub-section (1) shall apply to the assessing authority within two months from the date of commencement of the Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2009.

Provided further that in respect of dealers referred to in the first proviso, the total turnover for the period prior to the date of opting for payment of tax under subsection (1), shall be treated as the total turnover for that year and the excess input tax credit, if any, on that date shall lapse to the Government.

(3) The option so exercised under sub-section (2) shall be final for that year and shall continue for subsequent years until the dealer becomes ineligible or withdraws his option in writing.

(4) The dealer who pays tax under this section shall not collect any amount by way of tax or purporting to be by way of tax and shall not be entitled to input tax credit on goods purchased by him.

(5) The dealer who purchases goods from such dealer shall not be entitled to input tax credit on the goods purchased by him.

(6) Notwithstanding the operation of a brick kiln for a part of the year, the dealer owning the kiln and opted for payment of lumpsum shall be liable to make payment of lumpsum for the whole year, except when the dealer opts for payment of lumpsum for the first time after the commencement of the business, he shall be liable to pay lumpsum from the beginning of the month in which he exercises his option.

Explanation:- For the purpose of this section, "brick manufacturer" means the manufacturer of brick specified in sub-item (a) or (b) of item (22) in Part-B of the First Schedule".

3. Insertion Of Seventh Schedule :-

After the Sixth Schedule to the principal Act, the following Schedule shall be added, namely:-

THE SEVENTH SCHEDULE

(See section 6-A)

Compounded rate for Brick Kilns.

Serial No.	Brick Kiln capacity	Lumpsum tax per annum in lieu of tax payable
1.	Kiln upto 16 chambers	Rs. 90,000
2.	Kiln with more than 16 chambers but not exceeding 26 chambers	Rs. 1,20,000
3.	Kiln with more than 26 chambers but not exceeding 32 chambers	Rs. 1,80,000
4.	Kiln with more than 32 chambers	Rs. 1,80,000 plus Rs. 6,000 per additional chamber above 32 chambers

Explanation:- If a kiln is designed to be fired at two places, the rate of lumpsum payable by the dealer owning such kiln shall be double of the aforesaid rates."

By order of the Governor
S. Dheenadhayalan,
Secretary to Government,
Law Department.