

ORISSA ORDINANCE No. 2 OF 1989

THE ORISSA CESS (AMENDMENT) ORDINANCE, 1989

[Promulgated by the Governor of Orissa on the 11th August, 1989 Published in an Extraordinary issue of the *Orissa Gazette*, dated the 14th August 1989]

AN

ORDINANCE

TO AMEND THE ORISSA CESS ACT, 1962

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Cess Act, 1962 (Orissa Act 11 of 1962) in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Fortieth Year of the Republic of India:—

Short title
and commencement.

1. (1) This Ordinance may be called the Orissa Cess (Amendment) Ordinance, 1989.

(2) It shall come into force at once.

Amendment
of section 5.

2. In section 5 of the Orissa Cess Act, 1962 (hereinafter referred to as the Orissa Act No. 11 of 1962), for clause (a) of sub-section (2), the following clause shall be substituted, namely:—

“(a) at such rate, as may be notified by Government from time to time in respect of lands held for carrying on mining operation; and”

Amendment
of section 7.

3. In section 7 of the Principal Act,—

(1) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In the case of lands held for carrying on mining operations, the annual value shall be the royalty or, as the case may be, the dead rent payable by the person carrying on mining operation or the Pit's mouth value wherever it is determined”.

(2) In the Explanation, after clause (III), the following clause shall be inserted, namely:—

“Pit's mouth value” means the price (excluding excise and taxes) obtained for sale of the minerals at Pit's mouth and where the sale price of the minerals at the Pit's mouth cannot be ascertained or where the mineral is sold elsewhere than at the Pit's mouth or where the mineral is transformed before sale by any process of beneficiation or physical or chemical change, the Pit's mouth value of the mineral shall be determined by making reasonable allowances for expenditure directly incurred in transport, handling or beneficiation or physical or chemical changes and where such expenditure cannot be fairly ascertained, the Pit's mouth value shall be taken to be the cost of production of the mineral at the Pit's mouth.”.

Amendment
of
section 21.

4. In section 21 of the Principal Act, sub-section (4), shall be omitted.

Insertion of
section 21-A.

5. After section 21 of the Principal Act, the following section shall be inserted, namely:—

“Rules and
notification
to be laid
before the
Assembly.

21-A. All rules made under section 21, and notifications issued under section 5, shall as soon as possible after they are made or published, as the case may be, be laid before the Assembly for a total period of fourteen days, which may be comprised in one or more sessions.”.

Amendment
of
Schedule.

6. In the Principal Act, Schedule II shall be omitted.

SAIYID NURUL HASAN

GOVERNOR OF ORISSA

Dated the 11th August 1939