

ORISSA ORDINANCE NO. 1 OF 1995

THE ORISSA ADDITIONAL SALES TAX ORDINANCE, 1995

[Promulgated by the Governor on the 27th May 1995, published in an extraordinary issue of the *Orissa Gazette*, dated the 27th May 1995]

AN

ORDINANCE

TO PROVIDE FOR LEVY OF ADDITIONAL TAX ON SALE OR PURCHASE OF GOODS IN ORISSA.

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 provide for the levy of additional sales tax on sale or purchase of goods in Orissa;

AND WHEREAS, instructions from the President have been received to promulgate such an Ordinance;

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 Forty-sixth Year of the Republic of India:—

Short title,
extent and
commence-
ment.

1. (1) This Ordinance may be called the Orissa Additional Sales Tax Ordinance, 1995.

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires:—

(a) "declared goods" shall have the same meaning as in clause (c) of Section 2 of the Central Sales Tax Act, 1956;

74 of 1956.

(b) words and expressions used but not defined in this Ordinance shall have the same meaning as are respectively assigned to them in the Orissa Sales Tax Act, 1947 (hereinafter referred to as the said Act).

Orissa Act
14 of 1947.

Levy of
additional
tax.

3. (1) Notwithstanding anything contained in Sections 4, 5 and 8 of the said Act, every casual dealer irrespective of the amount of his gross turn over and every dealer (other than a casual dealer) whose gross turn over exceeded during the period not exceeding twelve months immediately preceding the date of commencement of this Ordinance—

(i) rupees twenty thousand in relation to a dealer who is an importer;

(ii) rupees one lakh in relation to a dealer who manufactures any goods (other than such goods as the State Government may, by notification, specify from time to time in this behalf);

(iii) rupees one lakh in relation to a dealer engaged in the execution of works contract and in execution thereof supplies goods (whether as goods or in some other forms), which shall not include the amount of labour charges and service charges incurred for the execution of such contract; or

(iv) rupees two lakhs in relation to any other dealer not covered by clauses (i), (ii) and (iii);

shall be liable to pay additional sale tax at such rate not exceeding three per cent of his gross turn over as may be notified from time to time by the State Government:

Provided that no additional sales tax as aforesaid shall be payable on that part of the gross turn over which relates to sale or purchase of declared goods:

Provided further that the State Government may, by notification, subject to such conditions and restrictions, if any, exempt any class of dealers or the turn over relating to any goods or class of goods from the levy of additional tax and likewise withdraw any such exemption.

(2) Every dealer who has become liable to pay tax under this Ordinance, shall continue to be so liable until the expiry of three consecutive years during each of which his gross turn over has failed to exceed the limit specified in sub-section (1) and such further period after the date of the said expiry as may be prescribed and his liability to pay tax under this Ordinance shall cease on the expiry of the prescribed period:

Provided that in calculating the period of three consecutive years, the part of a year during which a dealer became first or again liable shall be excluded.

(3) Where a dealer liable to pay tax under this Ordinance starts a new business, partnership, firm or concern, whether by changing the constitution, style or the name of the previous business, partnership, firm or concern or otherwise, either single or jointly, with any other person, such newly started business, partnership, firm or concern shall, notwithstanding anything contained in this section but always subject to the other provisions of this Ordinance, be liable to pay tax on his gross turn over from the date of the commencement of the said business, partnership, firm or concern, as the case may be.

(4) A dealer, who is not liable to pay tax under the foregoing sub-sections, shall nevertheless be liable to pay tax on his gross turn over, if such dealer has voluntarily or provisionally registered himself under the said Act, or if such dealer is liable to pay tax or registered as a dealer under the Central Sales Tax Act, 1956.

74 of 1956.

(5) All the provisions of the said Act, excluding those contained in Sections 4, 5, 8, 29 and 29-A but including those relating to appeal, revision, reference and penalty shall *mutatis mutandis* apply in relation to the additional sales tax payable under this Ordinance.

Power to
make rules.

4. The State Government may make rules for carrying out the provisions of this Ordinance.

B. STYNRYN REDDY

Governor of Orissa

Dated the 27th May 1956.