

THE ORISSA SALES TAX (AMENDMENT AND VALIDATION) ACT, 2000

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ORISSA ACT 3 OF 2000

21 of 1930

Received the assent of the Governor on the 31st March 2000 first published in an extra ordinary issue of the Official Gazette on the 31st March 2000 and on the 1st April 2000.

AN ACT TO AMEND THE ORISSA SALES TAX ACT, 1947 AND TO VALIDATE CERTAIN ACTIONS.

Enacted by the Legislature of the State of Orissa in the Fifty-first Year of the Republic of India as follows:

1. This Act may be called the Orissa Sales Tax (Amendment and Validation) Act, 2000.

2. In the Orissa Sales Tax Act, 1947, a person referred to as the principal Act for section 13-A A including its original heading, the following section shall be deemed to have been substituted with effect from the 1st day of December 1998 namely:—

“13-A A. (1) Notwithstanding anything contained in section 12 or any other law or contract to the contrary, any person responsible for paying any sum to any contractor (hereinafter referred to in this section as the contractor) for carrying out any work contract which involves transfer of property in goods, in pursuance of a contract between the contractor and the principal, shall, in addition to the amount payable to the contractor, pay to the Government of Orissa, as a condition of payment, a sum equal to the amount of the sales tax payable by the contractor on the value of the goods transferred, in addition to the amount payable to the contractor, as follows:—

(a) the Central Government or any local authority, or

(b) any local authority, or

(c) any authority or Corporation established by or under a statute or Government Act, or

(d) any company incorporated under the Companies Act, 1956 including any I of 1956, or

(e) any co-operative society of any kind, or

(f) any person referred to in sub-section (1) of section 13-A A, shall, at the time of credit of such sum to the account of the contractor or at the time of payment thereof in cash or by cheque or draft or any other mode, whichever is earlier, deduct a sum equal to the amount of the sales tax payable by the contractor in pursuance of sub-section (1), an amount towards sales tax equal to four per centum of such sum in respect of the work contract, if the value of the work contract exceeds rupees one lakh :

Provided that during the period beginning on the 15th day of December 1998 and ending on the 31st day of August 1999, a sum equal to two per centum of such sum in respect of the work contract, shall be equal to two per centum of such sum in respect of the work contract. (2) Who makes deduction as provided in sub-section (1), the deducting authority shall send a certificate to the contractor in the form prescribed and shall send a copy thereof to the Sales Tax Officer within whose jurisdiction the work contract is executed.

(3) The amount deducted from the bills or invoices shall be deposited into a Government Treasury within one week from the date of deduction in such form or manner as may be prescribed.

(4) Such deposit into Government Treasury shall be adjusted by the Sales Tax Officer towards the sales tax liability of the contractor and would constitute a good and sufficient discharge of the liability of the deducting authority to the contractor to the extent of the amount deposited.

\* For the Bill, see Orissa Gazette Extraordinary dated the 31st March 2000 (No. 242)

