

ORISSA ACT 12 OF 1995

THE ORISSA SALES TAX (AMENDMENT) ACT, 1995

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## ORISSA ACT 12 of 1995

## \*THE ORISSA SALES TAX AMENDMENT ACT, 1995

[Received the assent of the Governor on the 26th August 1995 first published in an extraordinary issue of the *Orissa Gazette*, dated the 26th August 1995.]

AN ACT FURTHER TO AMEND THE ORISSA SALES TAX ACT, 1947.

**B**E it enacted by the Legislature of the State of Orissa in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Sales Tax (Amendment) Act, 1995.

(2) Sections 2 and 3 shall be deemed to have come into force on the 27th day of May, 1995 and the remaining provisions of this Act shall come into force at once.

Amendment of section 3

2. In the Orissa Sales Tax Act, 1947 (hereinafter referred to as the principal Act), in section 3, in clause (a) of sub-section (2-e), after the words "disputed amount of tax" wherever they occur, the words and commas "including surcharge, if any," shall be inserted. Orissa Act 14 of 1947.

Insertion of new section 5-A

3. In the principal Act, after section 5, the following section shall be inserted, namely:—

Surcharge

"5-A. (1) Every dealer whose gross turnover during any year exceeds rupees ten lakhs shall, in addition to the tax payable by him under this Act, also pay a surcharge at the rate of ten per centum of the total amount of the tax payable by him:

Provided that the aggregate of the tax and surcharge payable under this Act shall not exceed in respect of goods declared to be of special importance in Inter-State trade or commerce by section 14 of the Central Sales Tax Act, 1956, the rate fixed by section 15 of the said Act: 74 of 1956.

Provided further that in the case of an assessment year which has commenced before the commencement of the Orissa Sales Tax (Amendment) Act, 1995, turnover of the whole of such assessment year shall be taken into account for purposes of determining whether the dealer is liable to pay surcharge under this section, but the surcharge shall be payable only in respect of that part of the turnover which relates to the period after the commencement of this section.

(2) All provisions relating to the payment, assessment, recovery and refund of the tax under this Act shall, as far as may be, apply to the payment, assessment, recovery and refund of the surcharge.

(3) Notwithstanding anything to the contrary contained in any other provision of this Act, no dealer mentioned in sub-section (1), who is liable to pay surcharge, shall be entitled to collect the amount of this surcharge."

Amendment of section 13-AA.

4. In the principal Act, in sub-section (1) of section 13-AA, for the words "two per centum" the words "four per centum" shall be substituted.

\*For the Bill, See *Orissa Gazette*, Extraordinary, dated the 31st July, 1995 (No.886)