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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 300]

भोपाल, गुरुवार, दिनांक 23 जुलाई 2015—श्रावण 1, शक 1937

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 23 जुलाई 2015

क्र. 5077-213-इक्कीस-अ.(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश वेट (संशोधन) विधेयक, 2015 (क्रमांक 12 सन् 2015) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL
No. 12 OF 2015

THE MADHYA PRADESH VAT (AMENDMENT) BILL, 2015

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MADHYA PRADESH BILL

No. 12 OF 2015

THE MADHYA PRADESH VAT (AMENDMENT) BILL, 2015

A Bill further to amend the Madhya Pradesh Vat Act, 2002.

Be it enacted by the Madhya Pradesh Legislature in the sixty-sixth year of the Republic of India as follows :—

Short title and commencement.

1 (1) This Act may be called the Madhya Pradesh Vat (Amendment) Act, 2015.

(2) (a) The provision of clause (ii) of Section 4, Section 6 and Section 7 of this Amendment Act shall be deemed to have come into force from 1st April 2015;

(b) The remaining provisions of this Amendment Act shall be deemed to have come into force from 8th June 2015;

Amendment of Section 4-A.

2. In Section 4-A of the Madhya Pradesh Vat Act, 2002 (No. 20 of 2002) hereinafter referred to as the principal Act), in sub-section (3), for the proviso, the following proviso shall be substituted, namely :—

"Provided that where such appeal is not so disposed off within the said period of stay as specified in the order of stay, the Appellate Board shall, on an application made in this behalf by the dealer and on being satisfied that the delay in disposing of the appeal is not attributable to the dealer, extend the stay for a maximum period of six calendar months at a time."

Amendment of Section 10.

3. In Section 10 of the principal Act, in sub-section (1), after clause (e), in sub-clause (i), for the words and figure "the rate of 4 percent", the words and figure "the rate of 5 percent" shall be substituted.

Amendment of Section 14.

4. In Section 14 of the principal Act,—

(i) in sub-section (1), in clause (a), in sub-clause (6), in second division, in item (ii), for the figure and word "4 percent", the figure and word "5 percent" shall be substituted;

(ii) after sub-section (1AH), the following sub-section shall be inserted, namely :—

"(1AI) Subject to such restrictions and conditions as may be prescribed, where a registered dealer purchases telephone, cellular hand set and phablet, pan masala and gutka (without tobacco) as specified in Part-III A of Schedule II within the State of Madhya Pradesh from another such dealer after payment to him input tax and sells the telephone, cellular hand set and phablet, pan masala and gutka (without tobacco) so purchased within the State of Madhya Pradesh, he shall claim and be allowed in such manner and within such period as may be prescribed, input tax rebate of the amount of such input tax.";

(iii) in sub-section (5), in clause (a), in sub-clause (i), for the words and figure "at the rate of 4 percent", the words and figure "at the rate of 5 percent" shall be substituted.

Amendment of Section 16-A.

5. In Section 16-A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Notwithstanding anything to the contrary contained in this Act or the Acts repealed by this Act, the State Government may make a scheme to liquidate the liabilities

including arrears of tax and interest / penalty, under the Madhya Pradesh General Sales Tax Act, 1958, the Madhya Pradesh Vanijyik Kar Adhiniyam, 1994, the Madhya Pradesh Vat Act, 2002, Central Sales Tax Act, 1956 and the Madhya Pradesh Sthaniya Kshetra Me Mal Ke Pravesh Par Kar Adhiniyam, 1976 administered by the Commercial Tax Department, against the sick or closed industrial units, in accordance with the provisions of the Industrial Promotion Policy of the State Government.

Explanation.—For the purpose of this sub-section, "the sick or closed industrial unit" means—

- (i) the large and medium scale industrial units referred by the Board of Industrial and Financial Reconstruction (BIFR) for being rehabilitated after acquisition/ takeover through change of management or by way of purchase from official liquidator of industrial unit under liquidation pursuant to recommendation for winding up by BIFR or the large / medium scale industrial units purchased under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (No. 54 of 2002), from a financial institution, a State Government Corporation, Madhya Pradesh State Industrial Development Corporation or Madhya Pradesh Financial Corporation;
- (ii) the large and medium scale industrial units situated in the State, whose cases are under consideration before the Board of Industrial and Financial Reconstruction (BIFR) under the Sick Industrial Companies (Special Provisions) Act, 1985 and the Board is preparing or has prepared rehabilitation scheme for their rehabilitation;
- (iii) the small scale industrial unit in respect of which "Madhya Pradesh Small Scale Industries Revival Scheme" under the Industrial Promotion Policy has been sanctioned."

6. In Section 18 of the principal Act, in sub-section (4), in clause (d), for the words "a sum of rupees fifty per day for first thirty days of default and thereafter a sum of rupees one thousand per day, subject to a maximum of rupees fifty thousand", the words "a sum of rupees fifty per day for first thirty days of default and thereafter a sum of rupees five hundred per day, subject to a maximum of rupees twenty five thousand" shall be substituted.

Amendment of Section 18.

7. In Section 29 of the principal Act, after sub-section (5B), the following sub-section shall be inserted, namely :—

Amendment of Section 29.

"(5C) Notwithstanding anything to the contrary contained anywhere else in this Act, when the business of a unit of a dealer is amalgamated into another unit of the same dealer and he holds separate registration certificate for each of such units, the goods including plant and machinery, held by the amalgamating unit on the date of such amalgamation shall be deemed to have been transferred to the amalgamated unit and the amalgamated unit shall be entitled to take credit of input tax rebate, which remains unadjusted on the date of such amalgamation."

8. (1) The Madhya Pradesh Vat (Amendment) Ordinance, 2015 (No. 3 of 2015) is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

In order to implement the tax proposals contained in part II of speech delivered by the Finance Minister while presenting the budget in the Legislative Assembly for the year 2015-16, and to make provisions for certain other issues like liquidation of dues of sick and closed industrial units in accordance with the provisions of Industrial Promotion Policy, appropriate amendments were to be made in the Madhya Pradesh Vat Act, 2002 (No. 20 of 2002) and few other provisions of the Act were to be rationalized.

2. As the matter was urgent and the Legislative Assembly was not in session, the Madhya Pradesh Vat (Amendment) Ordinance, 2015 (No. 3 of 2015) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature without any modification.

3. Hence this Bill.

Bhopal :
Dated the 21st July, 2015

JAYANT MALAIYA
Member-in-Charge.