

ASSAM ACT IV OF 1958

THE ASSAM FINANCE (SALES TAX) (AMENDMENT)  
ACT, 1958

(As passed by the Assembly)

(Received the assent of the Governor on the 26th March 1958)

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An

Act

further to amend the Assam Finance (Sales Tax) Act, 1956

**Preamble.** Whereas it is expedient further to amend the Assam Finance (Sales Tax) Act, 1956 (Assam Act XI of 1956), hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Ninth Year of Republic of India as follows:—

**Short title, extent and commencement.** 1. (1) This Act may be called the Assam Finance (Sales Tax) (Amendment) Act, 1958.

(2) It shall have the like extent as the Principal Act.

(3) It shall come into force with effect from the 1st April, 1958.

**Insertion of new clauses in Section 2.** 2. In Section 2 of the Principal Act—

(1) After clause (10), the following new clauses (11), (12) and (13) shall be inserted, namely:—

“(11) “Ordinance” means the Assam Finance (Sales Tax) (Amendment) Ordinance, 1957.

(12) “Composition money” means the lump-sum determined under sub-section (2) of Section 44 of the Principal Act in lieu of the tax payable under sub-section (1) of the same section ;

(13) “Tax” means the tax levied on sales of goods under the Principal Act.”

**Amendment of Section 19 of the Principal Act.** 3. In Section 19 of the Principal Act—

For the first proviso to sub-section (1), the following shall be substituted, namely:—

“Provided that no appeal shall be entertained by the said authority unless he is satisfied that the amount of tax assessed or the penalty levied, if not otherwise directed by him, has been paid ;”

[Price 00·06 N.P. or Id.]

Repeal. 4. After Section 42 of the Principal Act, the following new Sections 43 and 44 shall be inserted, namely :—

“43. The Assam Finance (Sales Tax) (Amendment) Ordinance, 1957, is hereby repealed”.

Saving. “44. Notwithstanding the repeal of the Ordinance and anything contained in the Assam Sales Tax (Amendment) Act, 1958 :—

(1) The State Government shall continue to levy tax at the same rate and in the same manner as under the Principal Act on the sales of such stocks of the goods which were omitted from the Schedule attached to the Principal Act by Section 2 of the Ordinance and in respect of which no additional Excise duties have been paid and for that purpose Section 2 of the Ordinance shall be deemed to have never been enacted ;

Provided that no such tax shall be levied on sales of such stocks effected after 31st March, 1958.

(2) The Commissioner may, on application by any registered dealer, permit such dealer to pay in lieu of the tax to be levied on the sales of such stocks of goods as referred to in sub-section (1) above, a lump sum by way of composition to be calculated in any one of the ways mentioned below at the option of the dealer :—

- (a) An amount calculated at the rates specified in column 3 of the Schedule to the Principal Act as they existed immediately before the Ordinance came into effect on the cost price of the stock, or
- (b) Thirty per cent of the tax assessed on the dealer for the period from the 1st October, 1956 to 31st March, 1957 on the total turnover of such goods :

Provided that where the value of such goods in stock is less than 30 per cent of the total turnover of such goods made by the dealer during the aforesaid period the Commissioner may fix any lower sum as the amount payable under this clause.

- (c) If the dealer does not pay into the Treasury the full amount of the composition money payable by him within one month from the date of determination, the tax shall be levied in accordance with the provisions of sub-section (1) above.”

Amendment of  
the Schedule  
attached to  
the Principal  
Act.

5. Item Nos. 1, 2 and 4 shall be omitted from the Schedule attached to the Principal Act.