



The Andhra Pradesh General Sales Tax (Amendment) Act, 1986

Act 19 of 1986

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**THE ANDHRA PRADESH GENERAL SALES
TAX (AMENDMENT) ACT, 1986.***

ACT No. 19 OF 1986

[1st August, 1986]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1986. Short title and commencement.

(2) (a) Section 17 shall be deemed to have come into force on the 1st July, 1985 ;

(b) Sub-clause (a) of clause (ii), clauses (iii) to (vi), clause (viii), sub-clause (a) of clause (ix) of section 14 and items 166 and 167 inserted by clause (xi) of section 14 shall be deemed to have come into force on the 1st June, 1986 ; and

(c) the remaining provisions shall come into force at once.

2. In the Andhra Pradesh General Sales Tax Act, 1957, (hereinafter referred to as the principal Act), in section 2, in sub-section (1),— Amendment of section 2, Act VI of 1957

(i) in clause (b) for the words "areas of the State", the words "areas or the whole of the State" shall be substituted ;

(ii) in clause (n),

(a) in explanation VII, for the words "the amount which has been paid by the subscriber if such subscriber had not won the prize till the end of the series of draw", the words "the amount which would have been payable by the subscriber had he not won

*Received the assent of the Governor on the 31st July, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV -A, Extraordinary, dated the 24th July, 1986, at page 17.

the prize till the end of the series of draw" shall be substituted ;

(b) after explanation VII, the following explanation shall be added, namely :

" *Explanation VII* : Every transfer of property in goods by the Central Government or the State Government for cash or for deferred payment or for any other valuable consideration, whether or not in the course of business shall be deemed to be a sale for the purpose of this Act. "

(iii) in clause (s), in item (a) of sub-clause (ii), for the words "the cost of any goods", the words "the value of any goods" shall be substituted.

3. In section 5 of the principal Act, in sub-section (1) for the expression "Rs. 1,00,000" the expression Rs. 2,00,000", shall be substituted.

4. For section 5-A of the principal Act, the following section shall be substituted, namely :—

Every dealer who is liable to pay tax under sections 5, 5-C, 5-E, 6, 6-A and 6-C shall, in addition to the tax payable under those sections, pay for each year a tax on his turnover liable to tax at the rate of—

(a) one half paise on every rupee where the total turnover for the year is three lakh rupees or more but less than fifty lakh rupees ; and

(b) one paise on every rupee where the total turnover is fifty lakh rupees or more :

Provided that in respect of declared goods the total rate of tax together with the rate of additional tax specified in this section shall not exceed four percent."

Amendment
of section
5-C.

5. In section 5-C of the principal Act, for the proviso the following proviso shall be substituted, namely :—

" Provided that no such tax shall be levied if the total turnover of the dealer including such aggregate during the year is less than Rs. 2,00,000. "

6. After section 5-E of the principal Act, the following section shall be inserted, namely :—

Insertion of
new section
5-F.

“Caption to pay tax at the slab rates. 5F. (1) In lieu of the tax payable under sub-section (1) of section 5 and section 5-C, every dealer (other than a casual trader) may at his option pay the amount of tax as specified in the Table given below on his turnover liable to tax under sub-section (1) of section 5 and section 5-C.

THE TABLE

<i>Turnover slab under section 5 (1) and section 5-C.</i>	<i>Amount of tax payable per year.</i>
(1)	(2)
	Rs.
1. Turnover not exceeding Rs.20,000.	500
2. Turnover exceeding Rs. 20,000 but not exceeding R. 40,000.	1,500
3. Turnover exceeding Rs.40,000 but not exceeding Rs.60,000.	2,500
4. Turnover exceeding Rs. 60,000 but not exceeding Rs. 80,000.	3,500
5. Turnover exceeding Rs. 80,000 but not exceeding Rs.1,00,000.	4,500
6. Turnover exceeding Rs. 1,00,000 but not exceeding Rs. 1,50,000.	6,250
7. Turnover exceeding Rs. 1,50,000 but not exceeding Rs. 2,00,000.	8,850
8. Turnover exceeding Rs. 2 lakhs but not exceeding Rs. 2.5 lakhs.	11,250
9. Turnover exceeding Rs. 2.5 lakhs but not exceeding Rs. 3 lakhs.	13,750
10. Turnover exceeding Rs. 3 lakhs but not exceeding Rs. 3.5 lakhs.	16,250

(1)	(2)
	Rs.
11. Turnover exceeding Rs.3.5 lakhs but not exceeding Rs. 4 lakhs.	18,750
12. Turnover exceeding Rs. 4 lakhs but not exceeding Rs. 4.5 lakhs	21,250
13. Turnover exceeding Rs.4.5 lakhs but not exceeding Rs. 5 lakh.	23,750
14. Turnover exceeding Rs. 5 lakhs	Amount of Rs. 23,750 plus a tax at the rate of five paise on every Rupee of the turnover exceeding rupees five lakhs.

Provided that the dealers who have opted to pay the amount of the tax under this sub-section shall not be liable to tax under section 5-A and 6-B if the turnover referred to above does not exceed rupees five lakhs.

(2) Any dealer who opts to pay any tax under sub-section (1) shall apply in the prescribed form to the assessing authority to be permitted to pay the tax under sub-section (1) and on being permitted he shall pay the tax due in advance during the year in monthly or prescribed instalments and for that purpose shall submit such returns in such manner as may be prescribed.

(3) The permission granted by the assessing authority under sub-section (2) shall continue to be in force till the dealer withdraws his option.

(4) The tax paid under sub-section (2) shall be subject to such adjustment as may be prescribed on the completion of final assessment in the manner prescribed.

(5) The assessing authority may by an order in writing cancel the permission granted under sub-section (2) for good and sufficient reasons after giving the dealer concerned an opportunity of being heard.

7. In section 9 of the principal Act,—

Amendment
of section 9.

(i) in sub-section (1) for the words "any tax payable under this Act" the words "any tax or interest payable under this Act", shall be substituted;

(ii) in sub-section (2), for the word "tax" in the two places where it occurs, the words "tax or interest" shall be substituted :

(iii) in the marginal heading, the words "or interest" shall be added at the end.

8. For section 12 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 12.

<sup>Registration
of dealers.</sup> 12. (1) Every dealer (other than casual trader) whose total turnover in any year is not less than Rs. 50,000 shall and any other dealer may get himself registered under this Act.

(2) Notwithstanding anything contained in sub-section (1) every dealer—

(a) carrying on business in all or any of the good mentioned in the First, Second, Third, Fifth and Sixth Schedules;

(b) carrying on or executing any works contracts;

(c) who transfers the right to the use of any goods for any purpose whatsoever (whether or not for a specified period) in the course of business to any other person ;

(d) registered under sub-section (3) of section 7 of the Central Sales Tax Act, 1956;

Central Act
74 of 1956.

(e) residing outside the State but carrying on business in this State:—

(f) every agent of non-resident dealer ;

(g) every commission agent, broker, del credere agent, auctioner or any other mercantile agent, by whatever name called, who carries on the business of buying, selling, supplying, distributing or delivering the goods on behalf of any principal ;

shall get himself registered under this Act irrespective of the quantum of his turnover .

(3) Every dealer whether he is a dealer or not shall get himself registered under this Act.

(4) Where a registered dealer—

(i) dies, or

(ii) transfers or otherwise disposes of his business in whole or in part, or

(iii) effects any change in the ownership of his business ;

in consequence of which he is succeeded in the business or part thereof by any other person, such successor in business shall unless he already holds a certificate of registration get himself registered under this Act.

(5) No dealer who is liable to get himself registered under sub-section (1) or sub-section (2) or sub-section (4) shall carry on business as a dealer unless he has been registered and is in possession of a certificate of registration.

(6) An application for registration shall be made to the prescribed authority, in such manner and within such time as may be prescribed and shall be accompanied by a fee of one hundred rupees.

(7) Where it appears necessary to the authority to whom an application is made under sub-section (6) so to do for the proper realisation of the tax and other dues payable under this Act or for the proper custody and use of the forms referred to in this Act, the rules made and the notification issued thereunder, he may by an order in writing and for reasons to be recorded therein, impose as a condition for the issue of a certificate of registration a requirement that the dealer shall furnish in the prescribed manner and within such time as may be specified in the order such security as may be specified, for all or any of the aforesaid purposes.

(8) If the authority to whom an application is made under sub-section (6) is satisfied that the application is *bonafide* and is in order and in conformity with the provisions of this Act and the rules made thereunder and the conditions, if any, imposed under

sub-section (7) has been complied with, he shall register the applicant and grant him a certificate of registration in the prescribed form.

(9) Where any such dealer has more than one shop or place of business (other than a place used merely for the storage of goods) he shall apply for registration and obtain a separate registration certificate in respect of each such shop or place of business on payment of a sum of twenty rupees for each such shop or place of business.

(10) Where it appears necessary to the authority granting a certificate of registration under this section so to do for the proper realisation of tax and other dues payable under this Act or for the proper custody and use of the forms referred to in sub-section (7) he may, at any time while such certificate is in force, by an order in writing and for reasons to be recorded therein, require the dealer, to whom the certificate of registration has been granted, to furnish within such time as may be specified in the order and in the prescribed manner such security, or if the dealer has already furnished any security in pursuance of an order under this sub-section or sub-section (7) such additional security, as may be specified in the order for all or any of the aforesaid purposes.

(11) No dealer shall be required to furnish any security under sub-section (7) or any security or additional security under sub-section (10) unless he has been given an opportunity of being heard and the amount of such security or additional security that may be required to be furnished shall not exceed the amount equal to the tax payable under this Act, in accordance with the estimate of such authority, on the turnover of such dealer for the year in which such security or as the case may be, additional security is required to be furnished.

(12) Where the security furnished by a dealer under sub-section (7) or sub-section (10) is in the form of a surety bond and the surety dies or becomes insolvent, the dealer shall, within thirty days of the occurrence of such event, inform the prescribed authority and shall, within ninety days of such

occurrence, execute a fresh surety bond for the amount of the bond.

(13) The authority granting the certificate of registration under this section may by order and for good and sufficient cause, and after giving the dealer an opportunity of being heard forfeit the whole or any part of the security furnished by a dealer,—

(a) for realising any amount of tax or penalty or interest or other dues payable by the dealer ;

(b) if the dealer is found to have misused any of the forms referred to in sub-sections (7) and (10) or to have failed to keep them in proper custody.

(14) Where, by reason of an order under sub-section (13) the security furnished by any dealer is rendered insufficient, he shall make up the deficiency in such manner and within such time as may be prescribed.

(15) The authority issuing the forms referred to in sub-section (7) may refuse to issue such forms to a dealer who has failed to comply with an order under that sub-section or sub-section (10) or with the provisions of sub-section (12) or sub-section (14) until the dealer has complied with such order or such provisions as the case may be.

(16) The authority granting a certificate of registration under this section may on an application by the dealer to whom a certificate of registration has been granted order the refund of any amount or part thereof deposited by the dealer by way of security under this section, if it is not required for the purposes of this Act.

(17) The prescribed authority shall have power for good and sufficient reasons to cancel, modify or amend any certificate of registration issued by him. Provided that no order shall be passed under this sub-section without giving the dealer concerned an opportunity of being heard.

(18) A dealer shall, until his registration is cancelled be liable to pay the fees prescribed therefor

for every year subsequent to that in which he applied for registration:

Provided that when a dealer has ceased to do business in any year, he shall not be liable to pay any registration fee from the commencement of the following year unless he resumes business.

(19) Nothing contained in this section shall apply to the State Government or Central Government or any department of any such Government carrying on business as a dealer.

9. In section 21 of the principal Act, in sub-section (6) for the expression "*suo-motu* under sub-section (4-C) of section 14 or" the expression "under sub-section (4-C) of section 14 or *suo-motu*" shall be substituted. Amendment of section 21.

10. After section 33 B of the principal Act, the following section shall be inserted, namely:— Insertion of new section 33 BB.

Non-refund of tax in certain cases.

33BB. Where a levy and collection of tax is held invalid by any judgement or order of a court or Tribunal, it shall not be necessary to refund any such tax to the dealer unless it is proved by the dealer to the satisfaction of the assessing authority that the tax has not been collected from the purchaser:

Provided that where any court or Tribunal holds the levy and collection of tax as invalid and orders refund of any tax collected, the refund shall be restricted to the period of three years immediately preceding the judgement or order".

11. In section 33-E of the principal Act, in sub-section (1), for the words "six percent", the words "twelve percent" shall be substituted. Amendment of section 33-E.

12. In section 33-F of the principal Act, in sub-section (1) for the words "six percent", the words "twelve percent" shall be substituted. Amendment of section 33-F.

13. In section 39 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted namely:— Amendment of section 39.

"(aa) the manner of determination of the amount payable by the dealer for the transfer of property in

goods (whether as goods or in some other form), involved in hire purchase or any other system of payment by instalments or involved in lucky gift scheme either for cash, deferred payment or other valuable consideration;”.

Amendment
of the first
Schedule.

14. In the First Schedule to the principal Act,—

(i) in items 1 to 14, 27, 40, 41, 43, 46, 51, 82, 84, 111, 114, 137, and 138 for the entry in column (3) the following entry shall be substituted namely :—

“10 paise in the rupee”.

(ii) in item 38,

(a) in sub-item (ii), in column (1), the words “other than those made of wood” shall be omitted ;

(b) for the entry in column (3), the following entry shall be substituted, namely :—

“10 paise in the rupee”.

(iii) after item 90, the following item and entries relating thereto shall be inserted, namely :—

<p>“90.A Sports goods including goods used for indoor or outdoor games or athletics including stop watches, sports shoes, rings, bladders ball covers, carram stickers, kitbags, medals, cups, trophies and parts and accessories thereof, whatever be the material they are made of.</p>	<p>At the point of first sale in the State.</p>	<p>6 paise in the Rupee.” ;</p>
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(iv) in item 92,—

(a) for the entry in column (1), the following entry shall be substituted, namely :—

“Mosaic tiles and chips, polished granite stones, ceramic and glazed floor and wall tiles and joining powder and situ mixtures.” ;

(b) for the entry in column (3), the following entry shall be substituted, namely :—

“10 paise in the rupee.” ;

(v) after item 92, the following item and entries relating thereto shall be inserted, namely :—

“92-A. Ordinary polished stones including napa slabs.	At the point of first sale in the State.	10 paise in the rupee.” ;
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(vi) after item 102, the following item and entries relating thereto shall be inserted, namely :—

“102-A. Stone ware pipes.	At the point of first sale in the State.	9 paise in the rupee.” ;
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(vii) in item 105, for the entries in column (1) the following entries shall be substituted, namely:—

“ Footwear,—

(a) costing rupees fifty and above.

(b) costing less than rupees fifty.” ;

(viii) after item 129, the following item and entries relating thereto shall be inserted, namely :—

“ 129A. Articles of processed food (other than those specially mentioned elsewhere) prepared wholly or mainly from flour of gram cereals pulses or oil seeds.	At the point of first sale in the State.	6 paise in the rupee.” ;
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(ix) in item 152,—

(a) in column (1), the words “and parts and accessories thereof” shall be added at the end ;

(b) for the entry in column (3), the following entry shall be substituted, namely :—

“ 10 paise in the rupee.” ;

(x) in item 159 for the entry in column (1), the following entry shall be substituted, namely :—

“ Pickles when sold in sealed or capsuled or corked bottles, jars, tins or other containers.” ;

(xi) after item 165, the following items and entries relating thereto shall be added, namely :—

166. Coir products	At the point of first sale in the State.	5 paise in the rupee.
167. Sago	At the point of first sale in the State.	5 paise in the rupee.
168. Safety matches	At the point of first sale in the State.	5 paise in the rupee.
169. Cashewnut Kernel.	At the point of first sale in the State.	6 paise in the rupee.
170. Tamarind when obtained from outside the State.	At the point of first sale in the State.	4 paise in the rupee.
171. Tamarind seed when obtained from outside the State.	At the point of first sale in the State.	5 paise in the rupee.” ;

Amendment
of the Second
Schedule.

15. In the Second Schedule to the principal Act,—

(i) in item 12, for the entry in column (1), the following entry shall be substituted, namely,—

“Cashewnut (with shell).” ;

(ii) in item 14, for the entry in column (1), the following entry shall be substituted, namely,—

“Tamarind when purchased within the State.” ;

(iii) in item 15, for the entry in column (1), the following entry shall be substituted, namely :—

“Tamarind seed when purchased within the State.” ;

16. In the Third Schedule to the principal Act,— Amendment of the Third Schedule.

(i) for item (5) and the entries relating thereto, the following items and entries shall be substituted namely :—

"3. Coconuts other than tender coconuts (cocosnucifera)	At the point of last purchase in the State.	4 paise in the rupee.
5-A. Copra	At the point of first sale in the State.	4 paise in the rupee."

(ii) after Explanation III, the following explanation shall be added, namely :—

"Explanation IV.—For the purposes of items 5 and 5-A where a tax has been levied under this Act, in respect of the sale or purchase inside the State of any coconuts other than tender coconuts the tax leviable on copra procured out of such coconuts shall be reduced by the amount of tax levied on such coconuts."

17. In the Andhra Pradesh General Sales Tax Amendment of Act, 18 of 1985. (Amendment) Act, 1985, in section 1, in sub-section (2),—

(i) in clause (a), for the expression "Explanation IV", the expression "Explanations IV and V" shall be substituted.

(ii) in clause (b), for the expression "Explanations V and VI", the expression "Explanation VI" shall be substituted.

**THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1987.**

ACT NO. 11 OF 1987.*

[10th February, 1987]

An Act further to amend the Andhra Pradesh General Sales Tax Act 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1987.

Short title
and com-
mencement.

(2) (i) Clause (a) of section 2 shall be deemed to have come into force on the 1st November, 1986;

* Received the assent of the Governor on the 9th February, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 9th January, 1987. at page 3.

(ii) Clause (b) of section 2 shall be deemed to have come into force on the 1st October, 1986.

(iii) Clauses (c) and (d) of section 2 shall be deemed to have come into force on the 1st December, 1986.

Amendment
of First Schedule,
Act
VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957, in the First Schedule, —

(a) in item 36, in column (1), for the words "and tooth brushes", the words "tooth brushes and shaving creams" shall be substituted ;

(b) after item 83, the following item and entries relating thereto, shall be inserted:—

"83-A. Machine, tools including grinding wheels	At the point of first sale in the State.	6 paise in the rupee."
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(c) after item 91, the following items and entries relating thereto shall be inserted, namely,

"91-A. Red mud plastic roofings.	At the point of first sale in the State.	9 paise in the rupee.
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91-B. Light roofing asphaltic corrugated sheets.	At the point of first sale in the State.	9 paise in the rupee."
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(d) after item 171, the following item and entries relating thereto shall be added, namely:

"172. Lead, Nickel, Zinc Magnesium and Tin.	At the point of first sale in the State.	4 paise in the rupee."
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**THE ANDHRA PRADESH GENERAL SALES TAX
(SECOND AMENDMENT) ACT, 1987.**

ACT NO. 12 OF 1987.*

[10th February, 1987]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of Republic of India as follows:-

*Received the assent of the Governor on the 9th February, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 22nd January, 1987. at page 3.

Short title.

1. This Act may be called the Andhra Pradesh General Sales Tax (Second Amendment) Act, 1987.

Insertion of new section 43, Act VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957, after section 42, the following section shall be inserted, namely:—

"Non-implemen-
tation of ^{partial} pro-
visions on disclo-
sure.

43. Notwithstanding anything con-
tained in this Act, where a dealer—

(a) has, prior to the detection by any officer of the Commercial Taxes Department, of the concealment of particulars of true and full turnover of his business, voluntarily and in good faith, made between the 1st January, 1987 and the 31st March, 1987;

(b) has, on or before the 31st March, 1987 paid the tax on the full turnover; and

(c) has co-operated in an enquiry, if any, relating to the assessment of his turnover;

the registering, assessing and revising authorities under this Act, shall not initiate any proceeding for imposition of a penalty or impose any penalty leviable under this Act, in respect of any assessment year including the assessment year 1986-87:

Provided that the disclosure of turnover and the payment of tax due thereon is made by a dealer before the Commercial Tax Officer in whose jurisdiction the dealer has his registered office and in case of non-assessee dealer within whose jurisdiction the dealer normally resides."

THE ANDHRA PRADESH GENERAL SALES TAX
(THIRD AMENDMENT) ACT, 1987.

ACT No. 21 OF 1987*

[13th April, 1987]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Third Amendment) Act, 1987.

(2) Section 4 shall be deemed to have come into force on the 1st February, 1987 and the remaining provisions shall come into force at once.

Amendment of Section 5-B, Act VI of 1957. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), in section 5-B, -

*Received the assent of the Governor on the 12th April, 1987. For statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A Extraordinary, dated the 26th May, 1987 at page 3.

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(a) in sub-section (1), for the words "component part", the words "raw material, component part, sub-assembly part, intermediate part, consumables and packing material" shall be substituted;

(b) in clauses (i) to (vii) of sub-section (2), for the words "component parts", the words "raw materials, component parts, sub-assembly parts, intermediate parts, consumables and packing materials" shall be substituted;

(c) in the marginal note, for the words "component parts", the words "component parts etc." shall be substituted.

Amendment
of section 39.

3. In section 39 of the principal Act, in sub-section (2), for clause (aa), the following clause shall be substituted, namely:—

"(aa) the manner of determination of the amount payable to the dealer in respect of,—

(i) any transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract;

(ii) any delivery of goods on hire purchase or any system of payment by instalments;

(iii) any transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration;

(iv) any transfer of property in goods involved in lucky gift scheme."

Amendment
of the First
Schedule.

4. In the First Schedule to the principal Act, after item 172, the following item and entries relating thereto shall be added, namely:—

173.	Agarbathi	At the point of first sale in the State	6 paise in the rupee".
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**THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1988.**

ACT NO. 25 OF 1988*

[6th September, 1988.]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the **Andhra Pradesh General Sales Tax (Amendment) Act, 1988.** Short title and Commencement.

*Received the assent of the Governor on the 5th September, 1988. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 10th August, 1987, at page 11.

(2) (a) section 15 shall be deemed to have come into force on the 8th July, 1983;

(b) clauses (ii), (iii), (v), (vii), (ix), and items 174 to 184 inserted by clause (xi) of section 12, section 13, clause (i) of section 14 and section 16 shall be deemed to have come into force on the 1st May, 1987;

(c) clause (i) of section 12 and clause (ii) of section 14 shall be deemed to have come into force on the 1st June, 1987;

(d) item 185 inserted by clause (xi) of section 12 shall be deemed to have come into force on the 5th June, 1987;

(e) clauses (vi), (vii) and (x) and items 186, 187 and 188 inserted by clause (xi) of section 12 shall be deemed to have come into force on the 15th June, 1987;

(f) clause (xii) of section 12 shall be deemed to have come into force on the 15th January, 1988; and

(g) the remaining provisions shall come into force at once.

Amendment
of section 12
Act VI of
1987.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act) to sub-section (2) of section 12, the following proviso shall be added, namely:—

“Provided that the State Government may by notification, and for reasons to be specified therein exempt any dealer or class of dealers from registration under this section.”

Substitution
of new
section for
section 13 A.

3. For section 13-A of the principal Act, the following section shall be substituted, namely:—

Penalty for
failure to submit
returns.

13-A. If any dealer who is not liable to pay tax under this Act, fails to submit a return as required by the provisions of this Act or the rules made thereunder the assessing authority may after giving the dealer a

reasonable opportunity of being heard direct him to pay by way of penalty a sum not exceeding rupees five hundred."

4. In section 15 of the principal Act, in sub-section (4), for the words "Any dealer who fails", the words "Any dealer who is liable to pay tax fails to submit a return as required by the provisions of this Act or the rules made thereunder or any dealer who fails" shall be substituted. Amendment of section 15.

5. After section 17A of the principal Act, the following section shall be inserted, namely:— Insertion of new section 17-B.

"Provisional attachment of property to protect revenue in certain cases.

17B. (1) Where, during the pendency of any proceeding for the assessment of any turnover or for the assessment or re-assessment of any turnover which has escaped assessment, the assessing authority is of the opinion that for the purpose of protecting the interest of the revenue it is necessary so to do, he may with the previous approval of the Commissioner, by order in writing, attach provisionally in the prescribed manner any property belonging to the assessee.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Commissioner may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so, however, that the total period of extension shall not in any case exceed two years.

6. In section 19 of the principal Act, in sub-section (2), for the words "accompanied by a fee calculated at the rate of one per cent of the tax under" Amendment of section 19.

dispute, subject to a maximum of rupees fifty", the words "accompanied by a fee which shall not be less than fifty rupees but which shall not exceed one thousand rupees as may be prescribed," shall be substituted.

Amendment
of section 21.

7. In section 21 of the principal Act, in sub-section (3), for the words "not exceeding one hundred rupees", the words "which shall not be less than one hundred rupees but which shall not exceed two thousand rupees," shall be substituted.

Amendment
of section 22.

8. In section 22 of the principal Act, in sub-section (2), for the words "rupees one hundred," the words "rupees five hundred" shall be substituted.

Amendment
of section 23.

9. In section 23 of the principal Act, in sub-section (2), for the words "fee of rupees one hundred," the words "fee which shall not be less than five hundred rupees but which shall not exceed two thousand rupees as may be prescribed" shall be substituted.

Amendment
of section 30.

10. In section 30 of the principal Act, after sub-section (8), the following sub-section shall be inserted namely :—

"(9) Any person who is in possession of any such form as may be notified which has not been obtained by him or by his principal or by his agent in accordance with the provisions of this Act or any rules made thereunder, shall be punishable with simple imprisonment which may extend to six months or with fine or with both and when the offence is a continuing offence with a fine which may extend to fifty rupees for every day during which the offence continues."

Amendment
of section
33-BB.

11. In section 33BB of the principal Act, the proviso shall be omitted.

12. In the First Schedule to the principal Act,— Amendment
of the First
Schedule.

(i) for item 32 and the entries relating thereto, the following item and entries shall be substituted, namely :—

“32. Bricks, tiles, cement flooring stones, sand and granite stones including boulders and chips.	At the point of the last sale in the State	5 paise in the rupee.”;
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(ii) for item 39 and entries relating thereto, the following item and entries shall be substituted, namely :—

“39. Engine Oils, lubricating oils and break fluids.	At the point of first sale in the State.	10 paise in the rupee.”.
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(iii) in items 70, 71 and 72 for the entries in column (3), the following entry shall be substituted, namely :—

“18 paise in the rupee.” ;

(iv) in item 73, for the entry in column (3), the following entry shall be substituted, namely :—

“16 paise in the rupee with effect from 1st May, 1987, 14 paise in the rupee with effect from 5th June, 1987 and 12 paise in the rupee with effect from 1st September, 1987.”

(v) in item 74, for the entry in column (3), the following entry shall be substituted, namely :—

“18 paise in the rupee.” ;

(vi) item 88 and the entries relating thereto shall be omitted ;

(vii) in item 103, for the entry in column (3), the following entry shall be substituted, namely :—

“10 paise in the rupee.” ;

(viii) item 113 and the entries relating thereto shall be omitted ;

(ix) in item 118, for the entry in column (3) the following entry shall be substituted, namely :—

“10 paise in the rupee.” ;

(x) in item 145, for the entry in column (3), the following entry shall be substituted, namely :—

“10 paise in the rupee.”

(xi) after item 173, the following items and entries relating thereto shall be added, namely :—

174. P.V.C. cloth, water proof cloth, tarpaulines and rexine.	At the point of first sale in the State.	9 paise in the rupee.
175. Asphalt	At the point of first sale in the State.	10 paise in the rupee.
176. Slack Wax, parafin wax, match wax and M.C. wax.	At the point of first sale in the State.	10 paise in the rupee.
177. Mechanical mixture	At the point of first sale in the State.	10 paise in the rupee.
178. Petroleum Jelly and petroleum coke.	At the point of first sale in the State.	10 paise in the rupee.
179. Water jal products	At the point of first sale in the State.	5 paise in the rupee.
180. Kum Kum and Kajal.	At the point of first sale in the State.	10 paise in the rupee upto and inclusive of the 14th January, 1988.
181. Voltage stabilizers and voltage regulators.	At the point of first sale in the State.	10 paise in the rupee.
182. Spices that is to say jeera, menthi, cloves, cinnamon, shabjeera, cardamom, dry ginger, somph, nakesar (Kabab chini) bhajwarphool, tej-patta, poppy seed, nutmeg and japatni.	At the point of first sale in the State.	5 paise in the rupee.

183.	Garlic (Veituli)	At the point of first sale in the State.	5 paise in the rupee.
184.	Katha (Kasu)	At the point of first sale in the State.	5 paise in the rupee.
185.	Facor Blushakthi	At the point of first sale in the State.	6 paise in the rupee.
186.	Plastics, that is to say	At the point of first sale in the State.	4 paise in the rupee
	(1)	Polymers of ethylene, in primary forms polyethylene.	
	(2)	Polymers of propylene or of other olefins, in primary forms-polypropylene, polyisobutylene.	
	(3)	Polymers of styrene in primary forms, polystyrene, styrena-acrylonitrile (SAN) Copolymers, Acrylonitrile-butadienestyrene (ABS) terpolymers.	
	(4)	Polymers of vinyl chloride or of other halogenated olefins, in primary forms-polyvinyl chloride, Polycetrafluoroethylene.	
	(5)	Polymers of vinyl acetate or of other vinyl esters in primary forms, other vinyl polymers in primary forms-polyvinyl alcohols.	
	(6)	Acrylic polymers in primary forms, polymetheryl methacrylate.	

- (7) Polyacetals, other polyethers and epoxide resins, in primary form, polycarbonates, alkyd resins, Polyethyl esters and other polyesters, in primary form, Polyethylene terephthalate, Diallyl phthalate resins, polybutyl terephthalate.
- (8) Polyamides in primary forms.
- (9) Amino-resins, polyphenylene oxide, phenolic resins and polyurethanes in primary forms.
- (10) Silicones in primary forms.
- (11) Petroleum resins, coumoneindene resins, polyterpenes, polysulphides, polysulphones in primary forms.
- (12) Cellulose and its chemical derivatives in primary forms, Cellulose acetates, Cellulose nitrates, Cellulose ethers, cellulose anthate.
- (13) Natural polymers (for example, alginic acid) and modified natural polymers (for example, hardened proteins, chemical derivatives of natural rubbers) in primary forms, Dextran.
- (14) Ion-exchangers based on polymers of Heading Nos. 1 to 13 above in primary form and includes Waste, perings and scrap of plastics.

187. Articles of Plastics (excluding HDPE Woven Sacks) and including. At the point of first sale in the State. 6 paise in the rupee.
- (1) Monofilament rods, sticks and profile shapes of plastics.
 - (2) Tubes, pipes and hoses, and fittings therefor (for example joints, elbows, flanges), of plastics.
 - (3) Floor coverings of plastics, whether or not self-adhesive, in rolls or in the form of tiles; wall or ceiling coverings of plastics.
 - (4) Plates, blocks, sheets, film, foil, tape, strip and other flat shapes.

188. High Density polythylene polypropylene (H.D.P.E./P.P.) woven sacks. At the point of sale in the State.

(xii) item 180 and the entries re in columns (2) and (3), shall be omitted.

13. In the Second Schedule to the principal Act, after item 20, the following item and entries relating thereto shall be added, namely :— Amendment of Second Schedule.

- "21. Ajwan (Vamu) At the point of first purchase in the State. 5 paise in the rupee".

14. In the Fourth Schedule to the principal Act, (i) for items 4 and 5, the following items shall respectively be substituted, namely :— Amendment of Fourth Schedule.

"4. Toddy, neera and arrack ;

5. Cotton fabrics, man-made fabrics and woolen fabrics." ;

(ii) after item 7, the following item shall be inserted, namely :—

“7A. Chewing tobacco including preparations commonly known as ‘Khara Masala, Kimam, Dokta, Zarda, Sukha and Surti.’”.

Amendment
of Sixth
Schedule.

15. In the Sixth Schedule to the principal Act, for explanations I and II, the following explanation shall be substituted, namely :—

Explanation :—For the purpose of this Schedule,—

(a) ‘point of first sale’ shall mean sale of liquor effected by a dealer who manufactures liquor in the State or imports liquor from outside the State to any other dealer or person ;

(b) ‘point of last sale’ shall mean sale of liquor to a person by a dealer who purchased liquor from another dealer in the State.”.

Substitution
of new Sched-
ule for the
Sixth Sched-
ule.

16. For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely :—

“SIXTH SCHEDULE

GOODS IN RESPECT OF WHICH TAX IS LEVIABLE UNDER SECTION 5 (2) (d)

<i>Description of goods.</i>	<i>Point of levy</i>	<i>Rate of tax</i>
(1)	(2)	(3)
All liquors other than toddy and arrack.	(a) At every point of sale other than at the point of last sale in the State.	25 paise in the rupee.
	(b) At the point of last sale in the State	5 paise in the rupee.

provided that at any point of sale other than the first point of sale and the last point of sale, the turn-over of the goods liable to tax shall be arrived at by deducting the turnover of such goods on which tax has been levied at the immediately preceding point of sale.

Explanation :—For the purpose of this Schedule,—

(a) 'point of first sale' shall mean sale of liquor effected by a dealer who manufactures liquor in the State or imports liquor from outside the State to any other dealer or person ;

or

(b) 'point of last sale' shall mean sale of liquor to a person by a dealer who purchased liquor from another dealer in the State'.

THE ANDHRA PRADESH GENERAL SALES TAX
(SECOND AMENDMENT) ACT, 1988.

ACT NO. 26 OF 1988*

[6th September, 1988]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-ninth Year of the Republic of India as follows-

1. (1) This act may be called the Andhra Pradesh General Sales Tax (Second Amendment) Act, 1988. Short title
and
Commencement

(2) It shall come into force on such date as the Government may, by notification, appoint.

2. In the Andhra Pradesh General Tax Act 1957 (hereinafter referred to as the principal Act) in section 2, after clause (o), the following clause shall be inserted, namely:- Amendment of
Section 2 Act
VI of 1957

*Received the assent of the Governor on the 5th September, 1988. For Statement of Objects and reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 30th March, 1988, at page 9.

“(1) “Special Appellate Tribunal” means the Andhra Pradesh Sales Tax Special Appellate Tribunal constituted under section 21A in pursuance of article 323-B of the Constitution of India.”.

Amendment
of section 14.

3. In section 14 of the principal Act, in sub-section (5) for the words “High Court” in the two places where they occur the words “Special Appellate Tribunal” shall be substituted.

Amendment
of section 20.

4. In section 20 of the principal Act, in sub-section (6) for the words “High Court” in the two places where they occur the words “Special Appellate Tribunal” shall be substituted.

Amendment
of section 21.

5. In section 21 of the principal Act,—

(i) in sub-section (1), in clause (b) the words “Joint Commissioner or” shall be omitted;

(ii) in sub-section (4), in the proviso for the words “High Court” the words “Special Appellate Tribunal” shall be substituted.

Insertion of
new sections
21-A to 21-F.

6. After section 21 of the principal Act, the following sections shall be inserted, namely:—

“Constitution of Special Appellate Tribunal under article 323-B of the Constitution of India in regard to sales tax matters.

21-A. The State Government may, by notification, constitute for the State a Special Appellate Tribunal called “the Andhra Pradesh Sales Tax Special Appellate Tribunal” for the purposes of this Act.

(2) The Special Appellate Tribunal shall exercise the functions conferred on it by or under this Act.

(3) The Special Appellate Tribunal shall consist of a Chairman, a Vice-Chairman, and a Member to be appointed by the Government:

Provided that where a sitting or retired Judge of a High Court is to be appointed as Chairman or Vice-Chairman, such appointment shall be made in consultation with the Chief Justice of the High Court.

(4) No person shall be qualified for appointment,—

(a) as Chairman unless he,—

(i) is or has been, a Judge of a High Court; or,

(ii) has held the office of Vice-Chairman for a period of at least one year;

(b) as Vice-Chairman unless he,—

(i) is, or has been, a Judge of a High Court; or

(ii) has held the office of the Member for a period of at least one year; or

(iii) is or has been the Chairman of the Appellate Tribunal for a period of at least one year;

(c) as Member unless he,—

(i) is a serving or retired Secretary to Government, with special knowledge and experience in law or, commercial taxes matters; or

(ii) is or has been a member of the Appellate Tribunal for a period of at least one year by virtue of his being an officer of the Commercial Taxes Department.

(5) Any vacancy in the office of Chairman, Vice-Chairman or Member shall be filled in accordance with the provisions of this Act.

Explanation:—For the purposes of sections 21-A to 21-F the words “Chairman”, “Vice-Chairman”, and “Member” shall mean respectively the Chairman, Vice-Chairman and Member of the Special Appellate Tribunal.

Terms and
conditions of
Chairman,
Vice-Chair-
man and
Member.

21-B. (1) The Chairman, Vice-Chairman, and Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(2) The salaries and allowances payable to, and other terms and conditions of service (including pension gratuity and other retirement benefits) of the Chairman, Vice-Chairman and the Member shall be the same as those applicable to a Judge of the High Court.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or the Member shall be varied to his disadvantage after his appointment.

(3) (a) The Chairman or Vice-Chairman or the Member shall not be removed from his office before the expiry of the term of his office, except by an order of the Government on the ground of proved misbehaviour or incapacity, and except after an inquiry by a Special Tribunal in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. The Special Tribunal shall consist of three Judges of the High Court, nominated from time to time by the Chief Justice of the High Court in that behalf;

(b) The Government may regulate the procedure for the investigation and proof of the misbehaviour or incapacity of the Chairman, Vice-Chairman or the Member in such manner as may be prescribed.

Powers of
the Special
Appellate
Tribunal.

21-C. The Special Appellate Tribunal shall have the same power as are vested in a Civil Court under the Code of Civil Procedure, 1908 including the power to punish for contempt. Central Act V of 1908.

Procedure of
the Appellate
Tribunal.

21-D. (1) Subject to the provisions of this Act or any rule made thereunder, the Special Appellate Tribunal may, by order, regulate its practice and procedure.

(2) Before preferring an appeal to the Special Appellate Tribunal, the tax admitted to be due and 50% of the Tax in dispute shall be paid and no appeal shall be entertained until the said tax is paid:

Provided that if as a result of the appeal, any change becomes necessary in the assessment, the Special Appellate Tribunal may authorise the assessing authority to amend the assessment and on such amendment being made, the excess amount paid by the assessee shall, on his application, be refunded to him with simple interest at twelve per cent per annum.

(3) Every order passed by the Special Appellate Tribunal shall be final and shall not be called in question in any court except the Supreme Court as provided under section 21-E.

(4) The functions of the Special Appellate Tribunal may be exercised:—

(i) by a Bench consisting of Chairman, Vice-Chairman and the Member; or

(ii) by a Bench consisting of the Vice-Chairman and the Member constituted by the Chairman; or

(iii) by a single Member in such cases as the Chairman may deem fit.

Explanation:—The single Member referred to in clause (iii) may be either the Chairman or the Vice-Chairman or the Member:

Provided that if any case which comes up before a single Member (who is not the Chairman) or a Bench of which the Chairman is not a Member) involves a question of law, such single Member or Bench may, in his or its discretion, reserve such case for decision by a Bench of which the Chairman shall be a Member.

(5) Where an appeal or application or revision is heard by a Bench consisting of the Chairman, Vice-Chairman and the Member and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority and where the members of a Bench consisting of Vice-Chairman and Member differ in opinion on any point, the matter shall be referred to the Chairman, whose decision thereon shall be final.

21-E. Notwithstanding anything contained in any other law, the jurisdiction of all Courts except the Supreme Court, is excluded with respect to any matter which is by or under this Act required to be decided or dealt with by the assessing authority, the Assistant Commissioner, the Appellate Deputy Commissioner, the Joint Commissioner of Commercial Taxes, the Commissioner of Commercial Taxes, the Appellate Tribunal or the Special Appellate Tribunal.

21-F. No writ shall lie in the High Court to set aside or modify any proceedings or order taken or made by any authority, officer or Tribunal referred to in section 21-E under this Act or with respect to any other matter which is by or under this Act, required to be decided or dealt with by the said authority, officer or Tribunal.”

7. In section 22 of the principal Act,—

Amendment
of section 22.

(a) for the words "High Court" wherever they occur the words "Special Appellate Tribunal" shall be substituted;

(b) in the marginal heading, for the words "High Court", the words "Special Appellate Tribunal" shall be substituted.

8. In section 23 of the principal Act,—

Amendment
of section 23.

(i) in sub-section (1),—

(a) after the expression "sub-section (1) of section 20", the expression "Joint Commissioner suo motu under sub-section (4-C) of section 14 or under sub-section (2) of section 20" shall be inserted;

(b) for the words "High Court", in the two places where they occur, the words "Special Appellate Tribunal" shall be substituted;

(ii) in sub-section (3), for the words 'High Court', the words "Special Appellate Tribunal" shall be substituted;

(iii) in the marginal heading for the words 'High Court' the words "Special Appellate Tribunal" shall be substituted.

9. Section 24 of the principal Act shall be omitted.

Omission of
section 24.

10. In section 34 of the principal Act, for the words "including the Appellate Tribunal" the words "including the Appellate Tribunal and the Special Appellate Tribunal" shall be substituted.

Amendment
of section 34.

11. In section 35 of the principal Act, for the words 'High Court' the words "Special Appellate Tribunal" shall be substituted.

Amendment
of section 35.

12. (1) All cases connected with sales tax matters dealt with in the principal Act and pending in the High Court immediately before the date of commencement

Transfer of
pending
proceeding
in the Highs

Court to the
Special
Appellate
Tribunal.

of this Act as would have been within the jurisdiction of the Special Appellate Tribunal if the causes of action on which such proceedings are based had arisen after the said date or commencement, shall stand transferred to the Special Appellate Tribunal with effect from the date of the commencement of this Act.

(2) All writ petitions (including any petitions and proceedings relating thereto) connected with, or arising out of proceedings under the principal Act, and pending in the High Court immediately before the date of commencement of this Act, shall stand transferred to the Special Appellate Tribunal, with effect from the date of commencement of this Act and the said writ petitions, petitions and proceedings shall be deemed to be revision petitions under section 22 of the principal Act and the Special Appellate Tribunal shall pass appropriate orders accordingly.

(3) All writ appeals (including any petitions and proceedings relating thereto) connected with, or arising out of proceedings under the principal Act and pending in the High Court immediately before the date of commencement of this Act, shall be heard and disposed of by the High Court as if this Act had not been passed.

THE ANDHRA PRADESH GENERAL SALES TAX
(THIRD AMENDMENT) ACT, 1988.

ACT NO. 29 OF 1988*

[13th September, 1988.]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-ninth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh General Sales Tax (Third Amendment) Act, 1988. Short title

*Received the assent of the Governor on the 12th September, 1988. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 10th, August, 1988, at page 4.

"Amendment
of section 5A,
Act VI of 1957

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act) in section 5A,—

(i) in clause (a), the word "and" shall be omitted;

(ii) for clause (b), the following shall be substituted, namely:—

"(b) one paise on every rupee where the total turnover for the year is fifty lakh rupees or more but less than one crore rupees; and

(c) one and a half paise on every rupee where the total turnover for the year is one crore rupees or more;"

Amendment
of section
30—C.

3. In section 30C of the principal Act, in subsection (3), for the words "a notice in the prescribed form", the words "a notice" shall be substituted.

Insertion of
new section
42—A.

4. After section 42 of the principal Act, the following section shall be inserted, namely:—

42A. The Commissioner may, from time to time, issue such orders, instructions and directions not inconsistent with the provisions of this Act or the rules made thereunder to his subordinate officers, as he may deem fit, for the proper administration of the Act and such officers and all other persons employed in the enforcement of the Act, shall comply with such orders, instructions and directions;

Provided that no such orders, instructions or directions shall be such as to interfere with the discretion of any appellate authority in the exercise of its appellate functions."

**THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1989***

ACT NO. 4 OF 1989.

[30th March, 1989.]

An act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1989. Short title and Commencement.

*Received the assent of the Governor on the 30th March, 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part-IV A, Extraordinary, dated the 20th March, 1989 at Pages 14-16.

(2) (a) Sections 2,4,7,8,9,10,13 and 22 shall be deemed to have come into force on the 21st January, 1988;

(b) section 16 (other than clauses (1) and (4) thereof), and section 18 shall be deemed to have come into force on the 15th February, 1989;

(c) clause (4) of section 16 shall be deemed to have come into force on the 1st May, 1987; and

(d) the remaining provisions shall come into force at once.

Amendment
of sec-
tion 2, Act
VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), in section 2, in sub-section (1),-

(1) for clause (i-1), the following clause shall be substituted, namely:-

"(i-1) 'miller' means a person who engages himself in milling operations in any rice mill, oil mill, dhall mill, saw mill, ginning mill or a decorticating mill and includes a person who, or the authority which has the ultimate control over the affairs of such mill and where the said affairs are entrusted to a Manager, Managing Director or Managing Agent, such Manager, Managing Director or Managing Agent.

Explanation :- For the purposes of this clause the word 'mill' means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which the milling, ginning or decorticating operations, as the case may be are carried on."

(ii) clauses (m-1) and (s-1) shall be omitted.

3. In section 5 of the principal Act, for sub-sections (1) and (2), the following shall be substituted, namely:-

Amendment
of sec-
tion 5:

"(1) Save as otherwise provided in this Act, every dealer shall pay a tax under this Act, for each year on every rupee of his turnover of sales or purchases of goods in each year irrespective of the quantum of his turnover at the rates of tax and at the points of levy specified in the Schedules."

4. For section 5B of the principal Act, the following section shall be substituted, namely :-

Substitu-
tion of
new section
for sec-
tion 5B.

"Levy of concessional
tax in respect of
certain goods.

5B (1) Notwithstanding
anything in this Act,
every dealer shall
pay, in respect of any

sale of goods to another dealer for use by the later as raw material, component part, sub-assembly part, intermediate part, consumables and packing material of any other goods which he intends to manufacture inside the State, a tax at the rate of four paise in the rupee or the rates specified in sections 5, 5A and 6B in respect of goods other than declared goods, or sections 6, 5A and 6B in respect of declared goods, whichever is lower on the turnover relating to such sale;

Provided that the provisions of this sub-section shall not apply to any sale unless the dealer selling the goods furnished to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in the prescribed form obtained from the prescribed authority on payment of prescribed fee.

(2) If any dealer,-

(i) not having his manufacturing unit within the State purchases any goods by furnishing a declaration under the proviso to sub-section (1); or

(ii) having his manufacturing unit within the State and having purchased goods by furnishing a declaration under the proviso to sub-section (1) sells such goods contrary to such declaration, the assessing authority, may after giving such dealer a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty a sum which shall not be less than three times but which may extend to five times the amount of tax leviable on the sale of such goods so purchased.

(3) (a) Every dealer who, during the course of the year purchases goods by furnishing a declaration under the proviso to sub-section (1) shall maintain,-

(i) an account of the receipt and issue of such declaration forms in the prescribed manner;

(ii) a separate stock account for each of the goods purchased by him showing such particulars as may be prescribed;

(b) If any dealer, fails to maintain true and complete accounts in accordance with clause (a) and the rules made thereunder, the assessing authority may, after giving such dealer a reasonable opportunity of being heard, by order in writing,-

(i) disentitle such dealer from making use of any declaration form prescribed under

the proviso to sub-section (1) and require him to surrender forthwith the declaration forms already issued to him, if any; and

(ii) impose upon him by way of penalty a sum which shall not be less than three times but which may extend to five times the amount of tax leviable on the turnover of the goods purchased by him on the basis of the declaration forms furnished by him under the proviso to sub-section (1), upto the date of surrender by him of the unused forms;

(c) If any dealer, in respect of whom an order has been passed under clause (b) of this sub-section pays the penalty and complies with such conditions as the assessing authority may deem fit to impose in this behalf, the assessing authority may in his discretion permit such dealer to obtain the prescribed declaration forms afresh and make use of the same for the purchase of goods in the State at the concessional rate of tax.

Explanation :- For the purpose of this section,-

(i) the words "raw material" means any material from which another product can be made through the process of manufacture either by itself or in combination with other raw materials;

(ii) the words "component part", "sub-assembly part" and "intermediate part" means the article which forms an identifiable constituent of the finished product and which along with other goods make up the finished product."

5. Section 5F of the principal Act shall be omitted.

Deletion of
section 5F.

- Amendment of section 7A. 6. In section 7A of the principal Act, sub-section (1A) shall be omitted.
- Amendment of section 8. 7. In section 8 of the principal Act, the words "including conditions as to the licence and licence fees", shall be omitted.
- Omission of sections 10, 12A and 12B. 8. Sections 10, 12A and 12B of the principal Act shall be omitted.
- Amendment of section 13. 9. In section 13 of the principal Act, the words "or section 12A as the case may be" shall be omitted.
- Amendment of section 16. 10. In section 16 of the principal Act,-
- (i) in clause (b) of sub-section (2) for the words "two rupees", the words "one rupee and fifty paise" shall be substituted;
- (ii) in sub-section (3) for the words "two rupees", the words "one rupee and fifty paise" shall be substituted.
- Insertion of new section 17C. 11. After section 17B of the principal Act, the following section shall be inserted, namely :-
- | | |
|--|---|
| *Special powers of Deputy Commissioners under the Revenue Recovery Act.
Act II of 1864. | 17C. (1) A Deputy Commissioner shall have the powers of a Collector under the Andhra Pradesh Revenue Recovery Act, 1864 for the purpose of recovery of any amount due under this Act. |
|--|---|
- (2) Subject to the provisions of sub-section (3), all Deputy Commercial Tax Officers shall, for the purposes of recovery of any amount due under this Act, have the powers of the Mandal Revenue Officer under the Andhra Pradesh Rent and Revenue Sales Act, 1839 for the sale of property distrained for any amount due under this Act.
- Act VII of 1839.

(3) Notwithstanding anything contained in the Andhra Pradesh Rent and Revenue Sales Act, 1839, the Deputy Commercial Tax Officer in the exercise of the powers conferred by sub-section (2) shall be subject to the control and superintendence of the Deputy Commissioner.

12. In section 21-A of the principal Act,-

Amendment
of section
21-A

(i) in sub-section (3), in the proviso, the words "or Vice-Chairman" shall be omitted;

(ii) for sub-section (4), the following shall be substituted, namely:-

"(4) No person shall be qualified for appointment,-

(a) as chairman unless he is or has been a judge of a High Court;

(b) as Vice-Chairman unless he,-

(i) is a serving or retired Secretary to Government with special knowledge and experience in law or commercial taxes matters for a period of at least one year; or

(ii) is or has been the Commissioner of Commercial Taxes for a period of atleast one year;

(c) as Member unless he,-

(i) is or has been a member of the Appellate Tribunal for a period of atleast one year by virtue of being an officer of the Commercial Taxes Department; or

(ii) is or has been a Joint Commissioner of Commercial Taxes, with experience for a period of atleast one year on the legal and administrative connection with the making of laws and framing of rules of the Commercial Taxes Department".

Amendment of section 210. 13 In Section 210 of the principal Act for sub-section (2) the following sub-section shall be substituted, namely:

"(2) No appeal shall be entertained by the Special Appellate Tribunal unless the assessee pays the tax admitted to be due from him."

Amendment of section 29. 14. In Section 29 of the principal Act,-

(1) in sub-section (3), in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely :-

"(ii) that the sale or purchase of the goods carried has, for the purpose of payment of tax under this Act, not been properly accounted for in the documents referred to in clause (b) of sub-section (2) and if the said officer is satisfied, after making such enquiry as he deems fit, that with a view to prevent the evasion of tax payable in respect of the sale or purchase of the goods carried, it is necessary to detain the goods, he shall detain the goods and direct the driver or any other person in-charge of the goods vehicle or boat to pay such tax and to furnish security for an amount not exceeding five times the tax payable in such form and in such manner and to such authority as may be prescribed, on behalf of the person liable to pay such tax."

(2) in sub-section (4), for the words "or the security is furnished" the words "and the security is furnished" shall be substituted;

(3) in sub-section (6), for the words "or the security" the words "and the security", for the words "or furnished", the words

"and furnished" and for the words "or security" the words "and security", shall respectively be substituted:

(4) after sub-section (6), the following sub-section shall be inserted, namely:-

"(6A) Where goods are carried without paying the tax, if any, payable under this Act or goods are carried without being properly accounted for in the documents referred to in clause (b) of sub-section (2), the said officer shall collect the tax payable on the goods so carried and in addition levy a penalty not exceeding five times the amount of tax payable on such goods after giving a reasonable opportunity to the person likely to be affected, against the proposed penalty.";

(5) in sub-section (8), for the words "sales tax due", the words "sales tax and penalty due" shall be substituted.

15. Sections 30B and 30C of the principal Act shall be omitted.

Omission
of sec-
tions 30B
and 30C.

16. In the First Schedule to the principal Act,-

Amendment
of the
first
schedule.

(1) in the heading, for the expression "section 5(2)(a)", the expression "section 5" shall be substituted;

(2) in item 19, for the entry in column (1), the following entry shall be substituted, namely:-

"containers other than gunnies, bottles and plastic containers.";

(3) in item 38, in the entry in column (1), for the words "other than those specifically mentioned elsewhere", the words "other

than articles of plastics and those specifically mentioned elsewhere" shall be substituted;

(4) In item 39, in the entry in column (1), for the words, "Engine oils, lubricating oils and break fluids", the words "Engine oils, lubricating oils, greases and brake fluids", shall be substituted;

(5) for item 60 and the entries relating thereto, the following item and entries shall be substituted, namely :-

"60. (a) Maids, atta and ravva not covered by item (b) below.	At the point of first sale in the State.	2 paise rupee.
(b) Maids, atta and ravva obtained from wheat that has met tax under this Act.	At the point of first sale in the State.	1 paise rupee.
(c) Wheat bran	At the point of first sale in the State.	1 paise rupee."

(6) in item 91, in the entry in column (1) the words "plywood and block wood" shall be omitted;

(7) in item 105, in the entry in column (1), for the expression, "Foot-wear", the expression "Foot-wear other than plastic foot-wear" shall be substituted;

(8) in item 114, in the entry in column

(a) for the words "Lamin board" the words "Plywood, particle board, Lamin board" shall be substituted;

(b) for the words "or in any other form", the words "or in any other form and includes flush doors", shall be substituted; and

(c) for the entry in column (3), the following entry shall be substituted, namely:-

"9 paise in the rupee";

(9) In item 144, in column (1),-

(i) for clause (b), the following shall be substituted, namely:-

"(b) obtained from rice including paddy out of which rice is produced that has met tax under this Act.";

(ii) after clause (b), the following clause and entries relating thereto shall be added, namely :-

"(c) obtained from maize	At the point of first sale in the State.
	1 paise in the rupee."

(10) after item 188, the following items and entries relating thereto shall be added, namely:-

189. Glass fibre	At the point of first sale in the State.	4 paise in the rupee.
190. Tractor drawn implements.	At the point of first sale in the State.	4 paise in the rupee.
191. Adhesives, adhesive tapes, Cellophane tape, glue.	At the point of first sale in the State.	9 paise in the rupee."

Amendment of Second Schedule. 17. In the Second Schedule to the principal Act, in the heading for the expression, "Section 5(2)(b)", the expression "section 5" shall be substituted.

Amendment of Third Schedule. 18. In the Third Schedule to the principal Act,-

(1) in item 2, in column (1),

(a) for sub-item (i), the following shall be substituted, namely :-

"(i) Pig iron and cast iron including ingot, moulds and bottom plates";

(b) sub-item (x) shall be omitted;

(2) after item 2, the following item and entries relating thereto shall be inserted, namely:-

"(2A) Iron and Steel scrap, that is to say,-

- | | | |
|--|--|------------------------|
| (1) Iron scrap, cast iron scrap, runner scrap and iron skull scrap. | when purchased by an electric arc furnace unit or an | |
| (11) Steel melting scrap in all forms including steel skull, turnings and borings. | induction furnace unit in the State, at the point of purchase by such unit and in all other cases at the point of purchase by the fast dealer who buys in the State. | 4 paise in the rupee." |

(3) in item 6, in the entry in column (2), for the words "by a miller", the words "by an oil miller", shall be substituted.

19. In the Fifth Schedule to the principal Act, in the heading, for the expression "section 5(2)(c)", the expression "Section 5" shall be substituted. Amendment of Fifth Schedule.

20. In the Sixth Schedule to the principal Act, in the heading, for the expression "section 5(2)(d)", the expression "Section 5" shall be substituted. Amendment of Sixth Schedule.

21. After the Sixth Schedule to the principal Act, the following Schedule shall be added, namely:- Addition of new Schedule.

"SEVENTH SCHEDULE

GOODS IN RESPECT OF WHICH TAX IS LEVIABLE UNDER SECTION 5.

Description of goods. (1).	Point of levy. (2)	Rate of tax. (3)
-------------------------------	-----------------------	---------------------

1. Goods other than those specified in First to Sixth Schedules;	At the point of first sale in the State.	6 paise in the rupee."
--	--	------------------------

Provided that a dealer other than a casual trader and an agent of a non-resident dealer whose total turnover for a year is less than rupees two lakhs shall not be liable to pay tax in respect of the goods mentioned in this Schedule.

22. The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1989 is hereby repealed,

Repeal of Ordinance 2 of 1989.

THE ANDHRA PRADESH GENERAL SALES TAX (AMENDMENT) ACT, 1992.

ACT NO 14 OF 1992.*

[2nd May, 1992].

An Act further to amend the Andhra Pradesh General Sales Tax Act 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-third year of the Republic of India as follow;

1.—*Short Title* This may be called the Andhra Pradesh General Sales Tax- (Amendment) Act, 1992.

2. *Insertion of new section 29B, Act VI of 1957.*—In the Andhra Pradesh General Sales Tax Act, 1957, Act VI of 1957, after section 29-A, the following shall be inserted, namely :—

29B. *Transit of goods by road through the State and issue of transit pass.*—Where a vehicle, carrying goods, coming from any place outside the State and bound for any other place outside the State, pass through the State, the driver or other person-in-charge of such vehicle shall obtain in the prescribed manner a transit pass from the officer-in-charge of the first check-post or barrier after his entry into the State and deliver it to the officer-in-charge of the last check-post or barrier before his exit from the State, failing which it shall be presumed that the goods carried thereby have been sold within the State by the owner or persons in-charge of the vehicle and accordingly the tax is assessed and penalty if any levied in accordance with the provisions of this Act :

Provided that where the goods carried by such vehicle are, after the entry into the State, transported outside the State by any other vehicle or conveyance, the burden of proving that the goods have actually moved out of the State shall be on the owner or person-in-charge of the vehicle.

*Received the assent of the Governor on the 30th April 1972 for Statement of objects and reasons please see the Andhra Pradesh Gazette Extraordinary dated

Explanation.—If a vehicle is hired for transportation of goods by an person, the hirer of that vehicle shall, for the purposes of this section be deemed to be the owner of the vehicle”.

**THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1993.**

*ACT No. 13 OF 1993.

[3rd Sept. 1993.]

An Act further to Amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 18th July, 1993.

2. *Substitution of new section 5A.*—In the Andhra Pradesh General Sales Tax Act, 1957. Act VI of 1957. (hereinafter referred to as the Principal Act) for section 5A, the following section shall be substituted, namely :—

5A. "*Levy of turnover tax.* (1) Every dealer whose total turnover in a year is not less than ten lakh rupees whether or not the whole or any portion of such turnover is liable to tax under any other provisions of this Act, shall be liable to pay tax at the rate of,

* Received the assent of the Governor on the 3rd Sept. 1993. For Statement of Objects and Reasons, Please See the *Andhra Pradesh Gazette, Part-IV—A Extra-ordinary*, dated the 4th Aug. 1993 at Page 5 and 6.

(a) one half paise on every rupee where the total turnover is ten lakh rupees or more but less than fifty lakh rupees in a year;

(b) one paise on every rupee where the total turnover is fifty lakh rupees or more but less than one crore rupees in a year; and

(c) two paise on every rupee where the total turnover is one crore rupees or more in a year;

Provided that the turnover Tax under this sub-section on petrol, diesel, engine oils, lubricating oils, greases and brake fluids, shall be payable at two paise on every rupee of turnover and on liquid petroleum gas and kerosene at one paise on every rupee of turnover, irrespective of the quantum of annual turnover ;

Provided further that no tax under this sub-section shall be payable on that part of such turnover which relates to ,-

(i) sale or purchase of goods specified in the Third and Fourth Schedules;

(ii) sale or purchase of goods in the course of inter-state trade or commerce;

(iii) sale or purchase of goods in the course of export out of the territory of India or sale or purchase in the course of import into the territory of India;

(iv) all amounts collected by way of tax under the provisions of the Central Sales Tax Act, 1956 Central Act 74 of 1956;

(v) all amounts allowed as discount, provided that such discount is allowed in accordance with the regular practice of the dealer or is in accordance with the terms of a contract or agreement entered into in a particular case and provided also that the accounts show that the purchaser has paid only the sum originally charged less the discount;

(vi) (a) any amount refunded to the purchaser in respect of goods returned by him to the dealer when the goods are taxable, on sales, provided that the goods were returned within a period

of six months from the date of delivery of the goods and the accounts show the date on which the goods were returned and the date on which the amount was refunded;

(b) any amount refunded by the seller in respect of goods returned to him by the dealer, when the goods are taxable on the purchase value, provided that the goods were returned within a period of six months from the date of delivery of the goods and the accounts show the date on which the goods were returned and the date on which the amount was refunded:

Provided that the claim for deduction on account of such refund shall be admissible if it is preferred within a period of six months from the date on which the goods sold have been received or the goods purchased have been returned as the case may be:

Provided further that save as otherwise provided in this subsection, no other deduction shall be made from the total turnover of a dealer for the purposes of this section.

(2) The provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the assessment, collection or refund of the turnover tax, as they apply in relation to the assesment, collection or refund of tax under the other provisions of this Act."

3. *Amendment of section 6B.*—In the Principal Act, in section 6-B, in the Explanation under sub-section (2), for the words 'additional tax', the words 'turnover tax' shall be substituted.

4. *Amendment of First Schedule.*—In the First Schedule to the Principal Act,—

(i) in the heading, the words 'single point' shall be omitted;

(ii) in item 23, for the entry in column (3), the following shall be substituted, namely:—

"4.5 paise in the rupee".

5. *Amendment of Second Schedule.*—In the Second Schedule to the Principal Act, in the heading, the words 'single point' shall be omitted.

6. *Repeal of Ordinance 4 of 1993.*—The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1993 is hereby repealed.

THE ANDHRA PRADESH GENERAL SALES TAX (AMENDMENT) ACT, 1994.

ACT No. 6 OF 1994.

[20th January, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH GENERAL SALES TAX ACT, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1994. Short title and Commencement.

(2) (a) Clause (1) of section 2 shall be deemed to have come into force on the 4th September, 1993.

*Received the assent of the Governor on the 19th January, 1994. For Statement of objects and Reasons. Please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 24th December, 1993 at Page 3.

(b) clause (ii) of section 2 shall be deemed to have come into force on the 20th September, 1993;

(c) clause (iii) of section 2 shall be deemed to have come into force on the 27th November, 1993;

(d) clause (iv) of section 2 shall be deemed to have come into force on the 10th November, 1993.

Amendment to the First Schedule Act VI of 1957. 2. In the First Schedule to the Andhra Pradesh General Sales Tax Act, 1957,--

(i) in item 36, for the entry in column (3), the following entry shall be substituted, namely:-

"12 paise in the rupee".

(ii) in item 37, for the entry in column (3), the following entry shall be substituted, namely:-

"8 paise in the rupee".

(iii) after item 83-A, the following item and entries relating thereto shall be inserted, namely:-

"83-B-Mounted rigs and parts and accessories thereof including air compressors and chassis on which such rigs are mounted. At the point of first sale in the State. 6 Paise in the rupee".

(iv) after item 129-A, the following item and the entries relating thereto shall be inserted, namely:-

"129-B(a) Semiya, Vermi-celluli and all point in the 4 Paise in the rupee".

types of nood- of rupee.
 les not covered first
 by sub-item(b) sale in
 below. the
 State.

- (b) Semiya, Vermi- At the 1 Paise
 celli and all point in the
 types of nood- of rupee."
 les obtained first
 from wheat or sale in
 maida that has the
 met tax under State.
 this Act.

K. SATYANARAYANA MURTHY,
 Secretary to Government,
 Legislative Affairs,
 Law Department.

THE ANDHRA PRADESH GENERAL SALES TAX
(SECOND AMENDMENT) ACT, 1994.

ACT No. 16 OF 1994*.

[30th April, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
GENERAL SALES TAX ACT, 1957.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty-fifth Year of the Republic of
India, as follows:-

1. This Act may be called the Andhra, Short Title,
Pradesh General Sales Tax (Second Amend-
ment) Act, 1994.

*Received the assent of the Governor on the 23rd
April, 1994. For Statement of objects and reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 12th March, 1994 at Page 5.

Amendment of
section 3,
Act VI of
1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 in section 3, after sub-section (3) the following sub-section shall be inserted, namely:-

"(3 A) (a) Notwithstanding anything contained in sub-section (1), the Government may at any time, by order, constitute an additional Bench of the Tribunal, with two members, of whom one shall be a District Judge Grade-II and the other shall be an Officer of the Commercial Taxes Department of the State Government not below the rank of a Joint Commissioner to function at such place and for such period as they may specify therein.

(b) Where the members of the additional Bench are equally divided in opinion as to the decision to be given on any point or points, they shall state the point or points on which they differ and make a reference to the Chairman who shall thereupon hear the point or points himself and such point or points shall be decided according to the opinion of the majority of the Chairman and the members of the Bench who have heard the case.

(c) The regulations made under sub-section (4) shall apply to the Bench constituted under this sub-section."

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

**THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1995.**

ACT NO. 7 OF 1995*

6th Feb. 1995.

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1995. Short title and Commencement
- (2) It shall be deemed to have come into force with effect from the 1st January, 1995.
2. In the Andhra Pradesh General Sales Tax Act, 1957, in section 6B, in sub-section (1), for the words "ten percent", the words "twenty percent" shall be substituted. Amendment of section 6B Act VI of 1957.
3. The Andhra Pradesh General Sales Tax (Third Amendment) Ordinance, 1994 is hereby repealed. Repeal of Ordinance 21 of 1994.

* Received the assent of the Governor on the 3rd Feb, 1995. For Statement of objects and Reasons' Please See the *Andhra Pradesh Gazette*, Part IV-A Extraordinary, dt. 19-1-1995

THE ANDHRA PRADESH GENERAL SALES TAX (SECOND AMENDMENT) ACT, 1995.

ACT No. 8 OF 1995*

[6th February, 1995]

An Act further to Amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows :

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Second Amendment) Act, 1995.

(2) (a) Clause 2, clause 3, item (i), (ii), (iii) and (iv) of clause 4 and clause 5 shall be deemed to have come into force with effect on and from the 1st day of July, 1994; and

(b) item (v) of clause 4 shall be deemed to have come into force with effect on and from the 29th June, 1994.

Substitution of new section for section 5A in Act VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), for section 5 A, the following section shall be substituted, namely :

Levy of additional tax on turnover. 5 A. Every dealer who is liable to pay tax under sections 5, 5-C, 5-E, 6, 6-A and 6-C shall, in addition to the tax payable under those sections pay for each year a tax on his turnover liable to tax at the rate of, —

(a) one half paise on every rupee where the total turnover for the year is three lakh rupees or more but less than fifty lakh rupees ;

* Received the assent of the Governor on the 3rd Feb' 1995 For Statement of objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A Extraordinary date 19-1-1995 at Page 5.

(b) one paise on every rupee where the total turnover for the year is fifty lakh rupees or more but less than one crore rupees ; and

(c) one and a half paise on every rupee where the total-turnover for the year is one crore rupees or more ;

Provided that in respect of declared goods the total rate of tax together with the rate of additional tax specified in this section shall not exceed four per cent :

Provided further that there shall be no additional tax and surcharge on item 23 of the First Schedule”

3. In the principal Act, in section 6B in the explanation under sub-section (2) for the words “turnover tax” the words “additional tax” shall be substituted. Amendment of section 6 B.

4. In the First Schedule to the principal Act :—

Amendment of First schedule.

(i) in the heading, for the words “Goods in respect of which tax is eviable” the words “Goods in respect of which single point tax is leviable”, shall be substituted ;

(ii) in item 23, for the entry in column (3), the following shall be substituted namely:—

“3 paise in the rupee” ;

(iii) in item 37, for the entry in column (3), the following shall be substituted, namely :—

“5 paise in the rupee” ;

(iv) in item 78, for the entry in column (3), the following shall be substituted namely :—

“4 paise in the rupee” ;

(v) after item 91, the following item and entries relating thereto shall be added namely :—

“[92. Lottery tickets. At the point of first sale in the State. 8 paise in the rupee on the face value of the lottery ticket”.

Amendment
of Second
Schedule

5. In the Second schedule to the principal Act, in the heading, for the words “Goods in respect of which a purchase tax is leviable” the words “Goods in respect of which a single point purchase tax is leviable” shall be substituted.

Repeal of
ordinance
10 of 1994

6. The Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1994 is hereby repealed.

THE ANDHRA PRADESH GENERAL SALES TAX (THIRD AMENDMENT) ACT, 1995.

ACT No. 22 OF 1995*

[31st March, 1995].

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH GENERAL SALES TAX ACT, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows :

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Third Amendment) Act, 1995. Short titles extent and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), in section 2. In sub-section (1).— Amendment to Schedule A-1.

(i) after clause (m) the following clause shall be inserted, namely :—

“(m) Retail Dealer” means any dealer whose total turnover is entirely by way of sale of goods to persons other than dealers in the relevant assessment year and does not exceed rupees ten lakhs.”

*Received the assent of the Governor on the 31st March, 1995. For Statement of Object & Reasons, Please See the *Andhra Pradesh Gazette*, Part-IV-A, Extraordinary dt 30-3-95 at Page 65.

(ii) in clause (s),

(a) In sub clause (i), for the words "the bill of sale" the word "the bill of sale excluding the amount collected towards the tax or the tax due under the Act whichever is less" shall be substituted ;

(b) in sub-clause (ii), for the words "or purchase of goods", the words "or purchase of goods excluding tax due under the Act" shall be substituted ;

(iii) for clause (t), the following clause shall be substituted, namely :—

"(t) "works contract" includes any agreement for carrying out for cash or for deferred payment or for any other valuable consideration, the building construction, manufacture, processing fabrication, erection, installation, fitting out, improvement, modification, repair or commissioning of any movable or immovable property."

3. Section 5-A of the Principal Act, shall be omitted.

Omission of section 5A,

4. In the principal Act, in section 5-B, in sub-section (1) for the expression "sections 5, 5A and 6B," the expression "section 5" shall be substituted and for the expression "sections 6, 5-A and 6B," the expression "section 6" shall be substituted.

Amendment of section 5B.

5. In the principal Act, for section 5-E, the following shall be substituted, namely :—

Substitution of new section 5E.

"Tax on the amount realised in respect of any right to use goods :

5E. Notwithstanding anything contained in this Act. —

(a) Every dealer who transfers the right to use any goods for any purpose, whatsoever, whether or not for a specified period to any lessee or licensee for cash, deferred payment or other valuable consideration, in the course of his business shall, on the total amount realised or realisable by him by way of payment in cash or otherwise on such transfer or transfers of the right to use

such goods from the lessee or licensee, pay a tax at the rate of five paise in every rupee of the aggregate of such amount realised or realisable by him during the year;

(b) the transfer of right to use any such goods entered into by any dealer, shall be deemed to have taken place in this State whenever the goods are used within the State, irrespective of the place where the agreement whether written or oral for such transfer of right is made."

Insertion of
new sections
5F, 5G and
5H.

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

Levy of tax on transfer of property in goods involved in the execution of works contract:—

5F. Notwithstanding anything contained in section 5 or section 6, every dealer shall pay a tax under this Act for each year, on his turnover of transfer of property in goods whether as goods or in some other form, involved in the execution of works contract, at the rate of six paise on every rupee of his turnover :

Provided that tax shall be paid at the rate of four paise on every rupee of his turnover pertaining to declared goods, if the goods have not suffered tax earlier, and no tax shall be payable on the turnover pertaining to declared goods, if such goods have suffered tax earlier under this Act and are transferred from the contractor to the contractee in the same form in which they were purchased by the contractor :

Provided further that no tax shall be levied on the turnover of transfer of property in goods, specified in the Fourth Schedule to the Act, involved in the execution of works contract, if such goods are transferred from the contractor to the contractee in the same form in which they were purchased by the contractor :

Provided also that no such tax shall be leviable on the turnover of transfer of property in goods whether as goods or in some

other form involved in the execution of works contract, if such transfer from the contractor to the contractee constitutes a sale in the course of interstate trade or commerce under section 3 or an outside the State sale under section 4, or a sale in the course of import or export under section 5 of the Central Sales Tax Act, 1956 but does not include the goods either obtained or purchased from other States and used in the execution of works contract :

Central Act
47 of 1956.

Provided also that no tax shall be payable under this section on the turnover relating to the amounts paid to a sub-contractor as consideration for the execution of works contract whether wholly or partly subject to the production of proof that such sub-contractor is a registered dealer liable to tax under the Act and that the turnover of such amount is included in the return of turnover filed by such sub-contractor.

Composition of tax payable under section 5F.

5G (1) Subject to such conditions and in such circumstances as may be prescribed the assessing authority of the area may, if a dealer liable to pay tax under section 5F, so elects, accept in lieu of the amount of tax payable by him under the said section during the year, by way of composition an amount at the rate of four percent of his total turnover :

Provided that no tax shall be payable under this section on the turnover relating to the amounts paid to a sub-contractor as consideration for the execution of works contract whether wholly or partly subject to the production of proof that such sub-contractor is a registered dealer liable to tax under the Act and that the turnover of such amounts is included in the return of turnover filed by such sub-contractor.

(2) Every dealer who elects to pay tax under sub-section (1) shall apply in the prescribed form to the assessing authority or be permitted to pay the amount of tax under sub-section (1)

and, on being so permitted, in the prescribed form, he shall pay tax as specified under sections 13 and 15 of the Act.

Deduction of tax
at source:—

5H (1) Notwithstanding anything contained in this Act, the Central Government, or the State Government¹, or an Industrial, Commercial or Trading undertaking of the Central Government or of the State Government or a local authority or a statutory body, shall deduct from out of the amounts payable by them to a dealer in respect of works contracts of the works specified in section 5F and 5G executed for them, an amount calculated at the rate of four per cent of the total turnover.

(2) The tax deducted under sub-section (1) shall be remitted into the Government treasury under the Sales Tax head of account within seven days from the date of such deduction.

(3) The authority making deduction under sub-section (1) shall furnish to the dealer from whom such deduction is made, a certificate, containing such particulars as may be prescribed.

(4) If any such authority defaults to deduct the tax specified under sub-section (1) or defaults to remit the amount so deducted or any portion thereof as required under sub-section (2), it shall be liable to pay, in addition to the amount so deducted, interest at the rates specified in sub-section (3) of section 16 of the Act on the amount with respect to which the default has taken place from the date of default to the date on which such amount is remitted.

(5) Payment by way of deduction in accordance with sub-section (2) shall be without prejudice to any other mode of recovery of tax due under this Act from the dealer executing the works contract.

(6) Where, tax in respect of works contract is remitted under sub-section (2), the tax payable by the dealer in respect of such works contract shall be reduced by the amount of tax already remitted under the said sub-section :

Provided that the burden of proving that the tax on such works contract has already been remitted and of establishing the exact quantum of tax so remitted shall be on the dealer claiming the reduction".

7. In the principal Act, in section 6A, the expression "or section 5A" and the proviso there under, shall be omitted. Amendment of section 6 A.

8. In the principal Act, section 6B shall be omitted. Omission of section 6 B.

9. In the principal Act, for section 6C, the following section shall be substituted, namely : Amendment of section 6 C.

"Levy of tax on packing material." } 6C. Not within standing anything contained in section 5, section 5F, section 6 and section 6A, the rate of tax on packing material sold with the goods shall be the same as that of the goods packed or filled, whether or not there is separate sale or agreement for sale for the packing material and the goods packed or filled".

10. In the principal Act, in section 7A, after sub-section (1), the following sub-section shall be inserted, namely : Amendment of section-7A.

"(1A) Notwithstanding anything contained in this Act or in any other law, a dealer in any of the goods liable to tax in respect of the sale or the purchase in the State shall be deemed to be the seller or purchaser, as the case may be of such goods and shall be liable to pay tax accordingly on his turnover of sales or purchases relating to such goods, unless he proves to the satisfaction of the assessing authority that the goods sold or purchased as the case may be, have already suffered tax under this Act".

11. In the principal Act, after section 13B, the following section shall be inserted, namely : Insertion of new section 13 C.

Issue of bills. } 13C. (1) Every dealer whose total turnover is not less than one lakh rupees in a year, shall issue a bill or memorandum in the prescribed form in respect of every sale

involving an amount not less than one hundred rupees and in case of sale involving an amount less than one hundred rupees when demanded by the buyer. In every such bill issued to the purchaser, the price of the goods and the amount of tax collected thereon shall be shown separately.

(2) Every dealer who violates the provisions of sub-section (1) shall be liable for penalty equivalent to five times the tax due on each bill or an amount of one thousand rupees whichever is high, for every one of such lapse.”.

Amendment
of Section
14.

12. In the principal Act, in section 14, in sub-section (1),

(i) for the words “Four years”, the words “three years” shall be substituted ;

(ii) the following proviso shall be inserted, namely :—

“Provided that notwithstanding the amendment made to sub-section (1) by the Andhra Pradesh General Sales Tax (Third Amendment) Act, 1995 the period for assessment under this sub-section shall continue to be four years for the years preceding to the year 1992-93.”.

Amendment
of section
14 A.

13. In the principal Act, in section 14-A, in sub-section (1), in clause (b), for the words “four years”, the words “three years” shall be substituted.

Amendment
of Section
14B.

14. In the principal Act, in section 14-B, in sub-section (1), for the words “four years”, the words “three years” shall be substituted.

Insertion of
new section
14C and
14D.

15. In the principal Act, after section 14-B, the following sections shall be inserted, namely :—

Special provision to pay tax on Total turnover	14-C. (1) Subject to the conditions specified in sub-sections (2) to (5) of this section any dealer other than a casual trader or an agent of a non-resident dealer or a dealer who is registered under section 7 of the Central Sales Tax Act, 1956 (Central Act, 47 of 1956.) whose total turnover does not exceed rupees five lakhs for the assessment year concerned, may at his option, pay the amount of tax at the rate of two per cent of the total turnover, in lieu of tax payable under the other provisions of this Act.
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Central Act
47 of 1956.

(2) The provisions of this section shall not apply to dealers dealing in such commodities as may be notified by the Government from time to time.

(3) No dealer shall be eligible up to pay tax under sub-section (1) for three years from the date of registration under this Act.

(4) If in any one of the preceding three years, the total turnover of a dealer exceeds rupees five lakhs, he shall not be eligible to opt to pay tax under sub-section (1).

(5) Any dealer who is in arrears in the payment of tax to the Government and any dealer against whom proceedings are pending or action was taken under section 14 (4) of the Act, in any of the preceding three years, shall not be entitled to opt to pay tax under sub-section (1).

(6) The assessment of tax under sub-section (1) shall be deemed to have been completed when the dealer files his return in such manner and with such particulars and proof as may be prescribed.

(7) If the return filed by a dealer under sub-section (1) appears to be incorrect or incomplete, or the dealer has not paid in full the tax payable under sub-section (1), the authority prescribed shall cancel the option exercised and also the assessment that was deemed to have been completed under sub-section (6) and proceed to assess the total turnover under section 14 of the Act.

Self
assessment.

14-D. (1) Every dealer (other than a casual trader or a dealer who opted for payment of tax under section 14-C or agent of a non-resident dealer) whose total turnover in a year does not exceed rupees twenty five lakhs, in addition to the returns to be filed under section 13 shall within thirty days of the close of the year, submit to the assessing authority concerned a return of his total and net turnovers and tax due thereon, at all places of his business in the preceding year, in such form and in such manner, as may be prescribed along with the tax due.

(2) Every such dealer liable to submit a return of self assessment under sub-section (1) shall assess the correct amount of tax due on the turnover liable to tax :

Provided that no dealer shall be eligible to assess the tax under this section due for three years from the date of registration under this Act.

(3) Among the cases where the return is filed under sub-section (1) the assessing authority shall take up assessment under section 14 in respect of the following cases, namely :

(i) where the return filed by the dealer under sub-section(1) does not appear to be correct and complete ; or the dealer has not paid the tax due under sub-section (1) in full ; or

(ii) where the increase in not taxable turnover during assessment year is less than twenty five per cent over such turnover of the preceding year ; or

(iii) where in any one of the preceding three years the total turnover of a dealer exceeds rupees twenty five lakhs ; or

(iv) where a dealer is in arrears of tax to the Government' or

(v) where on inspection of the business premises of a dealer or otherwise there is reason to believe that the dealer has suppressed a part or whole of the turnover of his business or that the dealer is evading payment of tax ; or

(vi) where in any one of the three preceding years, any proceedings are pending or action was taken under section 14 (4) Or Section 18. of the Act., or

(vii) Where the dealer fails to furnish the details of usage of statutory forms like way Bills, C-Forms, F-Forms, H-Forms and G-Forms during the relevant year.

(4) It shall be competent for the assessing authority to take up the returns filed by such number of dealers for assessment under section 14 as it may deem necessary for detailed scrutiny and verification.

(5) In all the cases where a return filed under sub-section(1) is not taken up for assessment either under sub-section (3) or sub-section (4), the return so filed shall be deemed to have been accepted and orders shall be passed in the manner prescribed.

(6) The provisions of sub-section (4) of section 14 shall *mutadis mutandis* apply to the assessment under this section."

16. In the Principal Act, In section 19, In sub-section (1), Amendment for the proviso, the following provisos shall be substituted, of Section 19. namely :-

"Provided that the appellate authority may admit an appeal preferred after a period of thirty days aforesaid, if he is satisfied that the dealer had sufficient cause for not preferring the appeal within that period :

Provided further that an appeal so preferred shall not be admitted by the appellate authority concerned unless the dealer produces proof of payment of tax admitted to be due, or of such instalments as have been granted, for the relevant assessment year, in respect of which the appeal is preferred."

17. In the principal Act, after section 30A, the following sections shall be inserted, namely :- Insertion of new Sections 30B and 30C.

Prohibition against collection of tax in certain cases.

30 B (1) No dealer shall collect any sum by way of tax, in respect of sale or purchase of any goods which are not liable to tax under, this Act.

(2) No. person, other than a dealer, shall collect on the sale or purchase of any goods, any sum by way of tax from any other person and no dealer shall collect any amount by way of tax in excess of the amount of tax already paid by him, if any at the time of purchase by him and payable by him on the sale by him under the provisions of this Act.

(3) Nothing in sub-section (2) shall apply to a person where he is required to collect separately any amount of tax under the provisions of any other law for the time being in force.

Imposition of penalty for contravening certain provision.

30 C (1) If any person collects tax in contravention of the provisions of section 30B, any sum so collected shall be forfeited either wholly or partly to the State Government and in addition he shall be liable to pay a penalty of an amount not exceeding two thousand and five hundred rupees :

Provided that the assessing authority shall while imposing the penalty or forfeiture, take into consideration the amount refunded to the purchaser from out of the amount collected, by way of tax in contravention of section 30B or for the refund of which satisfactory arrangement has been made.

(2) No order for the forfeiture under this section, shall be made after the expiration of three years from the date of collection of the amount referred to in sub-section (1) :

Provided that in computing the period of three years under this sub-section, the period during which any stay order was in force or any appeal or other proceeding in respect thereof was pending shall be excluded.

(3) If the assessing authority in the course of any proceeding under this Act, or otherwise has reason to believe that any person has become liable to penalty with or without forfeiture of any sum under sub-section (1) such authority shall serve on such person a notice in the prescribed form requiring him on a date and at a place specified in the notice to attend and show cause why a penalty with or without forfeiture of any sum as provided in sub-section (1) shall not be imposed on him.

(4) The assessing authority shall thereupon hold an enquiry and shall make such order as he thinks fit.

(5) No prosecution for an offence under this Act, shall be instituted in respect of the same facts on which a penalty has been imposed under this section."

18. In the principal Act, for the First, Second, Fifth, ^{Amendment} of Schedules, Fifth sixth and Seventh Schedules, the following Schedules shall be substituted, namely :-

FIRST SCHEDULE
GOODS IN RESPECT OF WHICH SINGLE POINT TAX IS LEVIABLE UNDER SECTION 5

Sl. No.	Description of goods	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	Motor Vehicles including Motor cars, Motor taxi cabs, motor cycles and motor cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries, chassis of motor vehicles belonging to others. (on the turnover rating to bodies) component parts of motor vehicles, all varieties of trailers by whatever name know and articles (excluding batteries) adopted for use generally as parts and accessories of motor vehicles and trailers, including seat covers.	At the point of first sale in the State.	16 paise in the rupee.
2.	Refrigerators, air conditioning plants, water-coilers, room-coolers and parts and accessories thereof, including refrigeration materials, like polystyrene foam.	At the point of first sale in the State.	16 Paise in the rupee.
3.	Wireless reception instruments and apparatus, radios, radio-gramophones, televisions, electrical valves, accumulators, amplifiers and loud-speakers and spare parts and accessories thereof.	At the point of first sale in the State.	16 Paise in the rupee.
4.	Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment lenses, films and parts and accessories required for use therewith.	At the point of first sale in the State.	16 Paise in the rupee.
5.	Omitted.		
6.	Omitted.		
7.	Omitted.		
8.	All arms including rifles, revolvers and Pistols and ammunition for the same.	At the point of first sale in the State.	16 Paise in the rupee.

9.	Cigarette cases and lighters.	At the point of first sale in the State.	16 Paise in the rupee.
10.	Tape recorders, dictaphones and other sound recording apparatus and spare parts thereof including magnetic tapes and other materials used for recording sound whether on cassettes or otherwise and also Pre-recorded tape cassettes.	At the point of first sale in the State.	16 Paise in the rupee.
11.	Sound transmitting equipment including telephones and loud-speakers and spare parts thereof.	At the point of first sale in the State.	16 Paise in the rupee.
12.	Typewriters, tabulating machines, calculating machines, Teleprinters and tele-printing machines and duplicating machines and parts and accessories thereof, including typewriting ribbons.	At the point of first sale in the State.	16 paise in the rupee
13.	Binoculars telescopes and opera glasses and parts thereof.	At the point of first sale in the State.	16 paise in the rupee.
14.	Gramophones and component parts thereof and records (including gramophone records and gramophone needles)	At the point of first sale in the State.	16 paise in the rupee.
15.	Tyres and Tubes and accessories used there with made of rubber material other than those specifically mentioned elsewhere	At the point of first sale in the State.	16 paise in the rupee.
16.	Omitted.		
17.	Cycles, their accessories and parts including tyres and tubes and accessories used therewith made of rubber or other material.	At the point of first sale in the State.	10 Paise in the rupee
18.	Cement.	At the Point of sale in the State.	16 Paise in the rupee.
19.	Containers other than gunnies, bottles and plastic containers.	At the point of sale in the State.	9 Paise in the rupee.
20.	Bullion and Specie.	At the point of sale in the State.	4 Paise in the rupee.

(1)	(2)	(3)	(4)
21.	Articles and jewellery made of bullion of specie of both excluding precious stones.	At the Point of first sale in the State.	4 Paise in the rupee.
22.	cotton yarn waste.	At the point of last sale in the State.	9 Paise in the rupee.
23.	Chemical fertilisers & bone meal (including mixtures or nutrient elements such as iron, zinc copper and biological derivatives such as enzymes, Co-enzymes and vitamins).	At the point of first sale in the State.	3 Paise in the rupee.
24.	Groundnut oil or refined oil.		
	(a) Groundnut oil or refined oil not covered by sub-item (b) below.	At the point of first sale in the State.	10 Paise in the rupee
	(b) Groundnut oil or refined oil obtained from groundnut that has met tax under the Act.	At the point of first sale in the State.	4 Paise in the rupee.
25.	Omitted.		
26.	Omitted.		
27.	Opium, ganja and bhong	At the point of first sale in the State.	16 Paise in the rupee.
28.	Oil Cakes	At the point of first sale in the State.	8 Paise in the rupee.
29.	De-oiled cakes	At the point of first sale in the State.	8 Paise in the rupee.

30.	Kolsite	At the point of first sale in the State.	8 Paise in the rupee.
31.	Kerosene	At the point of first sale in the State.	8 Paise in the rupee.
32.	Bricks, tiles, cement flooring stones, sand and granite stones including boulders and chips.	At the point of last sale in the State.	9 paise in the rupee.
33.	Coffee including coffee seeds, Roasted seeds and coffee powder, excluding blended coffee powder.	At the point of first sale in the State.	10 Paise in the rupee.
34.	Chicory.	At the point of first sale in the State.	10 Paise in the rupee.
34 A.	Blended or french coffee (on the turnover relating to components thereof, namely, coffee and chicory which have not already met-tax under this Act).	At the point of first sale in the State.	10 Paise in the rupee.
35.	Crockery and cutlery.	At the point of first sale in the State.	10 Paise in the rupee.
36.	Cosmetics and toilet preparations (including scents, perfumes, face powders) talcom powders, hair-tonics, hair-oils, hair-lotions, face creams and snows, pomades, depilatories, tooth-powder, tooth-paste, tooth brushes and shaving creams.	At the point of first sale in the State.	20 Paise in the rupee.
37.	Drugs and medicines (whether patent or proprietary, as defined in Sec. 3 of the Drugs & Cosmetics Act 1940 (Central Act 23 of 1940)).	At the point of first sale in the State.	9 Paise in the rupee.
38.	Electronic systems, instruments, apparatus, appliances, including electronic cash registering, indexing, card-punching, franking and addressing machines, Computers of analog and digital varieties, one-record units, oscilloscopes and other electronic equipment and material and parts and accessories thereof.	At the point of first sale in the State.	16 paise in the rupee.

(1)	(2)	(3)	(4)
89.	Engine oils lubricating oils, greases and break fluids.	At the point of first sale in the State.	16 Paise in the rupee
40.	Fire works including coloured matches.	At the point of first sale in the State.	16 Paise in the rupee
41.	Omitted.		
42.	Hydrogenated oils.	At the point of first sale in the State.	10 Paise in the rupee
43.	Marble and marble articles.	At the point of first sale in the State.	16 Paise in the rupee
44.	Milk foods and powders such as Horlicks, Viva and the like condensed milk, baby milk and baby foods.	At the point of first sale in the State	8 Paise in the rupee
44-A.	All other food-stuffs or products, whether used as such or after mixing them with any other foodstuff or beverage when sold in sealed or tinned containers such as Bournvita, Ovaltine, ragi malt, Boost and the like.	At the point first sale the State.	10 Paise in the rupee
45.	Omitted.		
46.	Playing cards	At the point of first sale in the State.	16 Paise in the rupee
47.	Sewing machines and embroidering machines and parts and accessories thereof.	At the point of First sale in the State.	10 Paise in the rupee
48.	All kinds of soaps, soap flakes and soap powders, detergent powders and liquids, including metal polishing bars, powders and liquids.	At the point of First sale in the State.	10 Paise in the rupee
49.	Tea	At the point of first sale in the State.	10 Paise in the rupee

50.	Bulldozers, power tillers, tractors and parts and accessories thereof including trailers and parts and accessories of tractor trailers and tyres and tubes made of rubber or their materials.	At the point of first sale in the State.	12 paise in the rupee.
51.	Omitted.		
52.	X-ray apparatus, films, plates and other equipment required for use therewith and accessories and spare parts thereof.	At the point of first sale in the State.	10 Paise in the rupee,
53.	China ware and porcelainware other than crockery.	At the point of first sale in the State.	15 Paise in the rupee.
54.	Omitted		
55.	Molasses	At the point of first sale in the State.	50 Paise in the rupee.
56.	Power alcohol, ethyl alcohol rectified spirit, denatured spirit.	At the point of first sale in the State.	10 Paise in the rupee,
57.	Omitted.		
58.	Bran and husk of rice.	At the point of first sale in the State.	4 paise in the rupee.
59.	De-oiled bran of rice.	At the point of first sale in the State.	8 paise in the rupee.
60.	(a) Maida, atta and ravva.	At the point of first sale in the State.	4 paise in the rupee.
	(b) Wheat bran.	At the point of first sale in the State.	4 paise in the rupee.
61.	Raw wool, goats and sheeps hair and similar fibrous growth on bodies of animals.	At the point of first sale in the State.	8 paise in the rupee.
62.	Bones and horns of animals.	At the point of first sale in the State.	8 paise in the rupee

(1)	(2)	(3)	(4)
63.	Omitted.		
64.	Firewood.	At the point of first sale in the State.	8 paise in the rupee.
65.	Charcoal.	At the point of first sale in the State.	8 paise in the rupee.
66.	Omitted.		
67.	Hessian Cloth and jute twine.	At the point of first sale in the State.	9 paise in the rupee
68.	Churni of pulses.	At the point of first sale in the State.	8 paise in the rupee
69.	Cotton waste.	At the point of first sale in the State.	9 paise in the rupee
70.	Aviation turbine fuel.	At the point of first sale in the State.	30.55 paise in the rupee.
71.	Aviation motor spirit other than turbine fuel.	At the point of first sale in the State.	30.55 Paise in the rupee.
72.	Petrol other than aviation motor spirit.	At the point of first sale in the State.	30.55 Paise in the rupee.
73.	Diesel oil	At the point of first sale in the State.	19.53 Paise in the rupee.
74.	Motor Spirit not falling under items 70, 71, 72 & 73	At the point of first sale in the State.	30.55 Paise in the rupee.
75.	Bamboos	At the point of first sale in the State.	9 Paise in the rupee.

	Article 159B. Yarn	At the point of first sale in the State.	8 Paise in the rupee.
77.	Omitted.		
78.	Pesticides, insecticides, fungicides, herbicides, weedicides, and other plant protection equipment and accessories thereof.	At the point of first sale in the State.	4 Paise in the rupee.
79.	Pure silk cloth	At the point of first sale in the State.	10 Paise in the rupee.
80.	Poultry feed and cattle feed	At the Point of first sale in the State.	4 Paise in the rupee.
81.	Omitted.		
82.	Lifts, electrical or hydrolic	At the point of first sale in the State.	16 Paise in the rupee.
83.	All kinds of machinery propelled or operated by (i) electricity, (ii) diesel, (iii) Petrol, (iv) furnace oil, (v) kerosene, (vi) coal including charcoal, or (vii) any other fuel or power, including spare parts and accessories of such machinery (other than those specifically mentioned elsewhere).	At the point of first sale in the State.	10 Paise in the rupee.
83A.	Machine tools including grinding wheels.	At the point of first sale in the State.	10 Paise in the rupee.
83B.	Mounted Rigs and parts and accessories thereof including air compressors and chassis on which such rigs are mounted.	At the point of first sale in the State.	10 Paise in the rupee.
84.	Aeroplanes, Rail coaches and parts thereof.	At the point of first sale in the State.	16 Paise in the rupee.
85.	Gold thread (Zari)	At the point of first sale in the State.	8 Paise in the rupee.
86.	News print	At the point of first sale in the State.	8 Paise in the rupee.
87.	Omitted.		

(1)	(2)	(3)	(4)
88.	Omitted.		
89.	Furs and articles there of	At the point of first sale in the State.	16 Paise in the rupee
90.	Leather goods other than footwear	At the point of first sale in the State.	12 Paise in the rupee.
90A.	Sports goods including goods used for indoor or out door games or athletics including stop watches, sports shoes, rings bladders, ball covers, carroms strikers, kit-bags, medals, cups, trophies and parts and accessories thereof whatever be the material they are made of.	At the point of first sale in the State.	10 Paise in the rupee
91.	Cement sheets, asbestos sheets	At the point of first sale in the State.	15 Paise in the rupee.
91A.	Red mud plastic roofings	At the point of first sale in the State.	15 Paise in the rupee.
91B.	Light roofing asphaltic corrugated sheets.	At the point of first sale in the State.	15 Paise in the rupee
92.	Mosaic tiles and chips, polished granite stones, ceramic and glazed floor and wall tiles and joining powder and situ mixtures.	At the point of first sale in the State.	16 Paise in the rupee.
92A.	Ordinary polished stones including napa slabs.	At the point of first sale in the State.	16 Paise in the rupee.
93.	Gun powder	At the point of first sale in the State.	8 Paise in the rupee.
94.	Vaccum fl. sks including refills	At the point of first sale in the State.	15Paise in the rupee.

95.	Handlooms parts and accessories	At the point of first sale in the State.	4 Paise in the rupee
96.	Arccanut	At the point of first sale in the State.	9 Paise in the rupee.
97.	Pepper	At the point of first sale in the State	8 Paise in the rupee
98.	Mineral oil including furnace oil (excluding lubricating oil)	At the point of first sale in the State.	8 Paise in the rupee
99.	Mercury	At the point of first sale in the State.	10 Paise in the rupee
100.	Folding umbrellas, garden umbrellas and parts	At the point of first sale in the State.	12 Paise in the rupee
101.	Omitted		
102.	Omitted.		
102 A.	Omitted.		
103.	Naptha	At the point of first sale in the State.	16 Paise in the rupee.
104.	Omitted.		
105.	Foot-wear other than plastic foot-wear costing less than rupees fifty.	At the point of first sale in the State.	9 Paise in the rupee.
106.	Razor and razor blades	At the point of first sale in the State.	12 Paise in the rupee.
107.	Spectacles, goggles, glasses, lenses and frames.	At the point of first sale in the State.	12 Paise in the rupee.
108.	Aerated waters and bottled soft drinks sold under a brand name whether or not flavoured or sweetened and whether or not containing vegetable or fruit juice or fruit pulp, including squashes, jams, jellies juices when sold in sealed or capsuled or corked bottles, jars, tins, drums or other containers.	At the point of first sale in the State.	12 Paise in the rupee.

(1)	(2)	(3)	(4)
109. Ice		At the point of first sale in the State.	10 Paise in the rupee.
110. Ice-cream, Kulfi.		At the point of first sale in the State.	10 Paise in the rupee.
111. Pile-carpets		At the point of first sale in the State.	16 Paise in the rupee.
112. Dry fruits		At the point of first sale in the State.	10 Paise in the rupee.
113. Omitted.			
114. Omitted			
115. Stoves, including pressure-stoves, gasovens, blow lamps and parts and accessories thereof.		At the point of first sale in the State.	12 Paise in the rupee.
116. Pressure lamps, such as petromax lights and parts and accessories thereof		At the point of first sale in the State.	12 Paise in the rupee.
117. Cakes, biscuits, pastries, toffees, chocolates and confectionary.		At the point of first sale in the State.	15 Paise in the rupee.
118. Fuel gas, such as Burshane, Call Gas, Indane and Esso and other gases in compressed, liquified, or solidified form.		At the point of first sale in the State.	16 Paise in the rupee.
119. Articles of Ivory and of Sandalwood		At the point of first sale in the State.	15 Paise in the rupee.
120. Musical instruments		At the point of first sale in the State.	10 Paise in the rupee.
121. Tinned, canned or preserved food in sealed containers.		At the point of first sale in the State.	15 Paise in the rupee.

122. Camphor.	At the point of first sale in the State.	15 Paise in the rupee.
123. Omitted.		
124. Saccharine	At the Point of first sale in the State.	10 Paise in the rupee.
125. Pressure Cookers.	At the point of first sale in the State.	12 Paise in the rupee.
126. Electric motors, oil engines, mono-bloc pump-sets and parts and accessories thereof	At the point of first sale in the State.	12 Paise in the rupee.
127. Raw silk	At the point of first sale in the State.	10 Paise in the rupee.
128. Vegetable oils (other than those specifically mentioned elsewhere), including gingely oil, safflower oil, sunflower oil, soya-bean oil, mustard oil, kusum oil, tobacco seed oil, castor oil, washed cotton coconut oil.	At the Point of first sale in the State.	8 Paise in the rupee.
129. Articles of cooked or baked food	At the point of first sale in the State.	9 Paise in the rupee.
129A. Articles of processed food (other than those specifically mentioned elsewhere) prepared wholly or mainly from flour of gram, cereals, pulses or oil seeds.	At the point of first sale in the State.	10 Paise in the rupee.
129B. (a) Semiya, Vermicelli and all types of noodles not covered by sub-item (b) below.	At the point of first sale in the State.	8 Paise in the rupee.
(b) Semiya, Vermicelli and all types of noodles obtained from wheat or maida that has met tax under this Act.	At the point of first sale in the State.	4 Paise in the rupee.
130. Pulses other than those falling under items 14 and 15 of the Third Schedule.	At the point of first sale in the State.	8 Paise in the rupee.
131. Omitted.		
132. Photographs	At the point of first sale in the State.	8 Paise in the rupee.

	(2)	(3)	(4)
133.	Tricycles, perambulators and parts.	At the point of first sale in the State.	10 Paise in the rupee
134.	Cycle Rickshaws, their parts including tyres and tubes.	At the point of first sale in the State.	10 Paise in the rupee
135.	Hearing aids and their parts.	At the point of first sale in the State.	8 Paise in the rupee
136.	Precious stones, that is to say, diamonds, emeralds, rubies, real pearls and sapphires.	At the point of first sale in the State.	12 Paise in the rupee
137.	Electrical storage batteries and parts thereof including containers, covers and plates.	At the point of first sale in the State.	16 Paise in the rupee
138.	Spark plugs, whether used in motor vehicles or electrical motors or other machinery.	At the point of first sale in the State.	16 Paise in the rupee.
139.	Rolling bearings, that is to say, ball or roller bearings of all kinds.	At the point of first sale in the State.	15 Paise in the rupee
140.	Omitted.		
141.	All kinds of welding electrodes and welding rods.	At the point of first sale in the State.	12 Paise in the rupee
142.	Caustic Soda.	At the point of first sale in the State.	12 Paise in the rupee
143.	Omitted.		
144.	Ravva		
	(a) Not covered by item (b) below	At the point of first sale in the State.	9 Paise in the rupee
	(b) Obtained from rice including paddy out of which rice is produced that has met tax under this Act.	At the point of first sale in the State.	4 Paise in the rupee
	(c) Obtained from maize.	At the point of first sale in the State.	4 Paise in the rupee

145.	Omitted.		
146.	Jewellery, gold coated or gold covered.	At the point of first sale in the State.	4 Paise in the rupee
147.	Parched and fried Bengal-Gram or dhall and broken and flour of gram or dhalls.		
	(a) Not covered by item (b) below	At the point of first sale in the State.	9 Paise in the rupee.
	(b) Obtained from gram or dhall that has met tax under this Act.	At the point of first sale in the State.	4 Paise in the rupee.
148.	Sodium Hydro sulphate.	At the point of first sale in the State.	15 Paise in the rupee
149.	Cotton sewing thread.	At the point of first sale in the State.	9 Paise in the rupee.
150.	Aluminium, brass, copper, bronze and articles made therefrom.	At the point of first sale in the State.	10 Paise in the rupee.
151.	Washing Blue or ultra marine blue.	At the point of first sale in the State.	10 Paise in the rupee.
152.	Dry batteries or cells and parts and accessories thereof.	At the point of first sale in the State	16 Paise in the rupee
153.	Paddy and rice products such as murmuralu, pelalu and atukulu.	At the point of first sale in the State.	8 Paise in the rupee
154.	Butter and ghee when sold by any organisation - registered under the Companies Act, 1956 or the A.P. Co-operative Societies Act, 1964 or the Co-operative Societies Act of any other State or Union Territory.	At the point of first sale in the State.	10 Paise in the rupee
155.	Milletts (including de-husked milletts) other than those falling under items 17, 18, 19 and 20 of the Third Schedule.	At the point of first sale in the State.	4 Paise in the rupee

(1)	(2)	(3)	(4)
156.	Varigalu or variga rice or korralu or korra rice.	At the point of first sale in the State.	4 Paise in the rupee.
157.	Gunnies.	At the point of first sale in the State.	9 Paise in the rupee.
158.	Betel-nut powder :		
	(a) Not covered by item (b) below	At the point of first sale in the State.	10 Paise in the rupee.
	(b) Obtained from arecanut that has not tax under this Act.	At the point of first sale in the State.	4 Paise in the rupee.
159.	Pickles when sold in sealed or capsuled or corked bottles, jars, tins or other containers.	At the point of first sale in the State.	10 Paise in the rupee.
160.	Sanitary Towels, sanitary napkins and beltless napkins and tampons.	At the point of first sale in the State.	15 Paise in the rupee.
161.	Polyster viscose yarn.	At the point of first sale in the State.	8 Paise in the rupee.
162.	Cheese	At the point of first sale in the State.	10 Paise in the rupee.
163.	Omitted.		
164.	Sugar-candy	At the point of first sale in the State.	10 Paise in the rupee.
165.	Blended cotton yarn with non-cellulosic fibre content not exceeding 16-2/3% by weight to that of cotton yarn (i.e. with cotton viscose or cotton/polysonic).	At the point of first sale in the State.	8 Paise in the rupee.
166.	Coir products.	At the point of first sale in the State.	9 Paise in the rupee.
167.	Sago	At the point of first sale in the State.	9 Paise in the rupee.

168.	Safety matches.	At the point of first sale in the State.	9 Paise in the rupee
169.	Cashewnut kernel.	At the point of first sale in the State.	10 paise in the rupee
170.	Tamarind when obtained from outside the State.	At the point of first sale in the State.	4 Paise in the rupee.
171.	Tamarind seed when obtained from outside the State.	At the point of first sale in the State.	9 Paise in the rupee.
172.	Lead, Nickel, Zinc, Magnesium and Tin.	At the point of first sale in the State.	8 Paise in the rupee.
173	Agarbathi.	At the point of first sale in the State.	10 Paise in the rupee.
174.	P.V.C. Cloth, Water-proof cloth, tarpuline and rexine.	At the point of first sale in the State.	15 Paise in the rupee.
175.	Asphalt.	At the point of first sale in the State.	16 paise in the rupee.
176.	Slack wax, paraffin wax, match wax and MC wax	At the point of first sale in the State.	16 Paise in the rupee.
177.	Methanol mixture.	At the point of first sale in the State.	16 Paise in the rupee.
178.	Petroleum jelly and petroleum coke.	At the point of first sale in the State.	16 Paise in the rupee.
179.	Water jet products.	At the point of first sale in the State.	9 Paise in the rupee.
180.	Omitted.		
181.	Voltage stabilisers and voltage regulators.	At the point of first sale in the State.	16 Paise in the rupee.

	(2)	(3)	(4)
182.	Spices that is to say, jeera, menthi, cloves, cinamon, shahjeera, cardamom, dry ginger, somph, nakesar, (kabab chini), bhojuat phool, tejpatta, poppy seeds, nutmeg and jaratri.	At the point of first sale in the State.	9 Paise in the rupee
183.	Garlic (velluti).	At the point of first sale in the State.	9 Paise in the rupee.
184.	Katha (Kasu).	At the point of first sale in the State.	9 Paise in the rupee.
185.	Facor bhusakti.	At the point of first sale in the State.	10 Paise in the rupee.
186.	Plastics, that is to say-	At the point of first sale in the State.	8 Paise in the rupee.
	(1) Polymers of ethylene, in primary forms poly ethylene.		
	(2) polymers of propylene or of other plefins, in primary forms - polypropylene, polyisobutylene.		
	(3) Polymers of styrene, in primary forms - polystrene, styrene - acrylonitrile (SAN) copolymers, acrylonitrilebutadiemestyrene (ABS) terpolymers.		
	(4) Polymers of vinyl chloride or of other halogenated plefynes, in primary forms - polyvinyl chloride, polycetrafluoroethylenes.		
	(5) Polymers of vinyl acetate or of other vinyl esters in primary forms, other vinyl polymers in primary forms—polyvinyl alcohols.		
	(6) Acrylic polymers in primary forms polymetherylmatherylate.		

(7) Polyacetals, other polyethers and epoxide resin, in primary forms, polycarbonates, alkyd resins, polyethyl, esters and other polyesters, in primary form- Polyethylenes-terephthalate diallylphthalate resins polybutylterephthalate.

(8) Polyamides in primary forms.

(9) Amino resins, polyphenylene oxide, phenoly resins and polyurethanes in primary form.

(10) Silicones in primary forms.

(11) Petroleum resins, coumarone indene resins, polyterpenes, polysulphides, in primary forms.

(12) Cellulose and its chemical derivatives in primary forms, cellulose acetates, cellulose nitrates, cellulose ethers, cellulose anthate.

(13) Natural polymers (for example, aliginic acid) and modified natural polymers (for example, hardened proteins, chemical derivatives of natural rubber) in primary forms-dextran.

(14) Ion-exchangers based on polymers of heading Nos. 1 to 13 above in primary forms and includes waste perings and scrap of plastics.

187. Articles of plastics (excluding HDPE Woven Sacks) and including.

At the point of first sale in the State.

10 Paise in the rupee

(1) Monofilament rods, sticks and profile shapes of plastics.

(2) Tubes, pipes and hoses and fittings, therefor (for example joints, elbows, flanges), of plastics.

(3) Floor coverings of plastics, whether or not self-adhesive in rolls or in the form of tiles, wall or ceiling coverings of plastics.

(1)	(2)	(3)	(4)
	(4) Plates, Blocks, sheets, film foil, tape, strip and other flat shapes.		
188.	High density polythylene polypropylene (HDPE(PP) woven sacks.	At the point of first sale in the State.	4 Paise in the rupee.
189.	Glass fibre.	At the point of first sale in the State.	8 Paise in the rupee
190.	Tractor drawn implements	At the point of first sale in the State.	8 paise in the rupee.
191.	Adhesives, adhesive tapes, sajofin tape, glue.	At the point of first sale in the State.	15 paise in the rupee
192.	Lottery Tickets.	At the point of first sale in the State.	15 Paise in the rupee

Explanation-I: The expression "bullion" in items 20 and 21 means pure gold or silver and includes gold or silver mixed with copper, lead or any other kind of base metal.

Explanation-II: Omitted w.e.f. 8-7-1983.

Explanation-III: For the purpose of items 31, 39 70 to 74, 98, 103, 118 a sale by one oil company to another oil company shall not be deemed to be the first sale in the State accordingly any sale by one oil company to any other person (not being an oil company) shall be deemed to be the first Sale in the State.

Note: The expression 'oil company' in this explanation means :

- (a) Hindustan Petroleum Corporation Limited.
- (b) Indian Oil Corporation Limited.
- (c) Bharat Petroleum Corporation Limited.

(d) Indo-Burma Petroleum Company Limited; and
(e) Such other oil company as the Government may, from time to time, by notification in the Gazette specify in this behalf.

Explanation-IV: Omitted.

Explanation-V: For purposes of items 63, 64 and 75, in the case of firewood and bamboos purchased by the forest contractors in the auction of forest coupes conducted by the Forest Department of the State Government and sold by such contractors, the sale by such contractors of such firewood or bamboos in any form or size shall be deemed to be first sale.

Explanation-VI:— Omitted w.e.f. 1-7-1985.

Explanation-VII: For the purpose of item 79, "silk cloth" means all varieties of cloth manufactured— either wholly or partly from silk and includes embroidery in the piece, in strips or in motifs but does not include any cloth which is subject to levy of duty— under the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (Central Act 58 of 1957).

Explanation-VIII: The pulses referred to in item 130: whether whole or separated and whether with or without husk shall be treated as single commodity for the purpose of levy of tax under this Act.

SECOND SCHEDULE
GOODS IN RESPECT OF WHICH SINGLE POINT PURCHASE TAX IS LEVIABLE UNDER SECTION 5

Sl. No.	Description of goods	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	Manganese (including manganese ore)	At the point of purchase by the last dealer who buys in the State.	8 Paise in the rupee.
2.	Iron Ore	-do-	8 Paise in the rupee.
3.	Turmeric	At the point of first purchase in the State.	4 paise in the rupee
4.	Omitted.		
5.	Butter and Ghee other than that purchased from any organisation registered under the companies Act, 1956 or the Andhra Pradesh Co-operative Societies Act, 1964	At the point of purchase by the last dealer who buys in the state.	Paise in the rupee'
6.	Mica.	-do-	8 Paise in the rupee.
7.	Palmyrah fibre and stalks	At the point of purchase by the last dealer who buys in the state.	8 Paise in the rupee..
8.	Omitted		
9.	Coriander	At the point of first purchase in the State.	12 Paise in the rupee.
10.	Coconuts other than those falling under item 5 of the Third Schedule.	At the point of last purchase in the State.	8 Paise in the rupee.
11.	Omitted		
12.	Cashewnut (with shell)	At the point of first purchase in the State.	9 Paise in the rupee.

13.	Wattle bark and other barks	At the point of purchase by the last dealer who buys in the State.	8 Paise in the rupee.
14.	Tamarind when purchased within the State.	At the point of first purchase in the State.	4 Paise in the rupee.
15.	Tamarind seed when purchased within the State.	Do.	8 Paise in the rupee.
16.	Chillies	Do.	4 Paise in the rupee.
17.	Pippalamodi or Pippalanafaka	Do.	8 Paise in the rupee.
18.	Beedi leaves	At the point of purchase by the last dealer who buys in the State.	9 Paise in the rupee.
19.	Prawns, lobsters, frogs and frog legs	At the point of first purchase in the State.	8 Paise in the rupee.
20.	Tapioca	At the point of last purchase in the State.	8 Paise in the rupee.
21.	Azwan (Vamu)	At the point of first purchase in the State.	8 Paise in the rupee.

FIFTH SCHEDULE

GOOD IN RESPECT OF WHICH TAX IS LEVIABLE UNDER SECTION 5.

Sl. No.	Description of goods	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	Jaggery	At every point of sale in the State.	4 Paise in the rupee.
	<p>Provided that—</p> <p>(a) where Jaggery is sold to a dealer by a person who is not a registered dealer otherwise than through an agent, the tax shall be levied at the point of purchase and not at the point of sale at the rate of four paise in the rupee.</p> <p>(b) where any purchase of Jaggery by a dealer is taxed in accordance with clause (a), the sale of such Jaggery effected by the said dealer shall not be taxed again :</p> <p>(c) where a registered dealer has purchased Jaggery from another registered dealer and furnished to the prescribed authority in the prescribed manner a declaration in the prescribed form and containing such particulars as may be prescribed duly filled and signed by the registered dealer from whom he purchased such Jaggery, the sale of such Jaggery effected by the first mentioned registered dealer shall not be liable to tax.</p>		

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SIXTH SCHEDULE

GOODS IN RESPECT OF WHICH TAX IS LEVIABLE UNDER SECTION 5.

Sl. No.	Description of goods.	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	All liquors other than toddy and arrack	(a) At every point of sale other than at the point of last sale in the State. (b) At the point of sale in the State	30 Paise in the rupee. 10 Paise in the rupee
2.	Photographic and other cameras and enlargers, lenses, films and plates, paper and cloth and other parts and accessories required for use therewith.	At the point of last sale in the State.	16 Paise in the rupee.
3.	All clocks, time-pieces and watches and parts thereof.	Do.	16 Paise in the rupee
4.	Iron and steel safes, cash boxes, almirahs, wardrobes and cabinets.	At every point of sale in the State.	16 Paise in the rupee
4A.	Furniture	-do-	16 Paise in the rupee.
5.	All Hosiery goods other than those made wholly of cotton.	-do-	16 Paise in the rupee.
5A.	Hosiery goods made wholly of cotton.	-do-	8 Paise in the rupee.
5B.	Readymade garments	-do-	8 Paise in the rupee.

(1)	(2)	(3)	(4)
657	<p>All kinds of electrical goods, instruments, apparatus and appliances (other than articles of plastic and those specifically mentioned elsewhere, including)</p> <p>(i) wires, holders, plugs, switches, electrical earthenware and porcelain-ware ;</p> <p>(ii) casings, cappings, reapers, bends, junction boxes, meter boxes, switch-boxes, meter-boards and switch-boards ;</p> <p>(iii) electrical fans, lighting bulbs, torches, fluorescent tubes and other fittings, like chokes and starters and other parts and accessories thereof ;</p> <p>(iv) electrical grinders, mixers, blenders, hair-driers, shavers, washing machines, heaters, cooking-ranges, boilers, ovens, geysers, generators, transformers and parts and accessories thereof ;</p>	-do-	16 Paise in the rupee.
7.	Sheets, Cushions, mattresses, pillows and other articles made of rubber, plastic foam, synthetic foam or other similar material.	At every point of sale in the State.	16 Paise in the rupee.
8.	Paints, colours, dry distempers, varnishes and blanks, cellulose, lacquers, polish pigments, indigo enamels, cement-based water paints, oil based distemper, water pigments, finishes for leather or plastic, enamel paints, turpentine oil, kate oil, white oil and thinners and also lithographic, printing and duplicating inks.	Do.	15 Paise in the rupee.
9.	Dyes and Chemicals.	Do.	10 Paise in the rupee.
10.	Articles of stainless steel.	Do.	10 Paise in the rupee.
11.	Timber.	At every point of sale in the State.	12 Paise in the rupee.

(1)	(2)	(3)	(4)
12-A.	Logs cut into sizes such as beams, rafters and planks.	Do.	16 Paise in the rupee
12.	Rubber products (other than those specifically mentioned elsewhere) including:—	Do.	15 Paise in the rupee.
	(i) latex foam sponge.		
	(ii) Plates, sheets and strips unhardened, whether vulcanised or not and whether combined with any textile material or otherwise;		
	(iii) Unhardened vulcanised rubber used for piping and tubing;		
	(iv) Transmission, conveyor or elevator belts or belting material of vulcanised rubber whether combined with any textile material or otherwise.		
13.	Water supply and sanitary fittings (other than porcelain and china ware).	Do.	15 Paise in the rupee.
13-A.	Stoneware pipes	At every point of sale in the State.	15 paise in the rupee.
14	Bolts and nuts threaded or tapped and screws of base metal or alloys thereof including bolt-ends, screws, studs, screw studding, self tapped screws, screw hooks and screw wrings.	Do.	9 Paise in the rupee
14-A.	All Hardware of base metal or alloys, other than those mentioned above.	Do	10 Paise in the rupee.
15	Staple fibre and yarn.	Do.	9 Paise in the rupee
16	Foot-Wear other than Plastic foot-Wear costing rupees fifty and above.	Do	10 Paise in the rupee
17.	PlyWood, particle board, lamin board, batten board, hard or soft Wall-boards or insulating board and veneered panels Whether or not containing any material other than Wood; cellular Wood	Do.	15 Paise in the rupee

(1)	(2)	(3)	(4)
	panels building boards of wood-pulp or of vegetable fibre whether or not bonded with natural or artificial or reconstituted wood wood shavings wood chips saw-wood flour or other dust ligneous waste agglomerated with natural or artificial resins or other organic binding substance in sheets, blocks, boards or in any other form and includes flush doors.		
18.	Glass and glassware, including: (i) sheet glass and plate glass; (ii) mirrors; (iii) Laboratory glassware; (iv) glass shells, glass globes and chimneys for lamps and lanterns; (v) other glassware including table-ware.	At every point of sale in the State	15 Paise in the rupee
19	Paper of all kinds (including paste-board, mill-board, straw board and card-board), that is to say,— (i) cigarette tissue; (ii) blotting, toilet or target tissue, teleprinted, type-writing, manifold, bank, bond or art paper, chrome paper, tub-sized paper, cheque paper, stamp paper, cartridge paper parchment and coated board (including art board, chrome board and board for playing cards); (iii) printing and writing paper, packing and wrapping paper, straw board and pulp board, including grey board, corrugated board, duplex and triplex boards or other sorts; (iv) All other kinds of paper and paper board not otherwise specifically mentioned above, including carbon paper but excluding cinematographic and photographic paper.	-Do.-	12 Paise in the rupee.
20.	All kinds of suit-cases, briefcases and vanity bags.	At every point of sale in the State.	10 Paise in the rupee.

Provided that for the purpose of liquor at any point of sale other than the first point of sale and the last point of sale, the turnover of the goods liable to tax shall be arrived at by deducting the turnover of such goods on which tax has been levied at the immediately preceding point of sale.

Explanation :

For the purpose of Entry (1) in this Schedule.

(a) 'Point of first sale' shall mean sale of liquor effected by a dealer who manufacture liquor in the State or imports liquor from outside the State to any other dealer or person ;

(b) 'Point of last sale' shall mean sale of liquor to a person by a dealer who purchased liquor from another dealer in the State.

Provided further in respect of goods other than liquor mentioned in this Schedule, tax to be paid at any point of sale other than first point of sale, shall be determined after deducting the tax levied on the turnover of such goods at the immediately preceding point of sale by a registered dealer from the tax leviable on the turnover of the same goods at the point of sale by selling dealer.

Explanation :

If in the sale bill issued at the preceding point of sale tax levied separately, but tax is collected by seller at the present show of sale from the buying dealer, for determining the amount of tax levied at the preceding point of sale, for the purpose of this proviso the following formula shall be applied.

$$\text{Rate of tax} \times \text{Sale price at the preceding point of sale} \\ 100 + \text{Rate of tax}$$

Where the turnover of a dealer is taxable at different rates, the aforesaid formula shall be applied separately in respect of the turnover of each goods liable to tax.

Provided also that the turnover of commodities other than liquor for :

shall be exempt from payment of tax in respect of sales other than first sale within the state of the goods specified in this Schedule.

Explanation :

For purposes of item 11 in the case of timber purchased by the forest contractors in the auction of forest coupes conducted by the Forest Department of the State Government and sold by such contractors, the sale by such contractors of such timber in any form or size shall be deemed to be first sale.

SEVENTH SCHEDULE

Goods in respect of which tax is leviable under section 5.

Sl. No.	Description of goods	Point of levy	Rate of tax
(1)	(2)	(3)	(4)
1.	Goods other than those specified in First to Sixth Schedules :	At the point of first sale in the State.	10 Paise in the rupee.
	Provided that a dealer other than a casual trader and an agent of a non-resident dealer whose total turnover for a year less than rupees two lakhs shall not be liable to pay tax in respect of the goods mentioned in this Schedule.		

THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1996.

ACT No. 27 OF 1996.

[12th October, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
GENERAL SALES TAX ACT 1957.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty Seventh Year of the Republic of
India, as follows:—

1. (1) This Act may be called the Short tit:
Andhra Pradesh General Sales Tax (Amend- and
ment) Act, 1996. commencement

*Received the assent of the Governor on the 15th
October, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 24th September, 1996 at Page 28.

(2)(a) Clause (i) of section 2, section 3, section 14, and section 15 shall be deemed to have come into force with effect from 1st October, 1993.

(b) Clauses (iii) and (iv) of section 2 and item 105 of the First Schedule as inserted by clause (x) of section 23 and item 16 of the Sixth Schedule as inserted by clause (v), and clauses (viii) (ix) and (x) of section 25 shall be deemed to have come into force with effect from 1st April, 1995.

(c) Clause (ii) of section 21 relating to items 24A, 24B and 24C of the First Schedule as inserted by section 21 shall be deemed to have come into force with effect from 16th August, 1995.

(d) Clauses (xvi) and (xvii) of section 21 relating to items 193, 194 and Explanation III of the First Schedule and amendment to item 2 of the Third Schedule and Item 2A of the Third Schedule as inserted by section 23 and the amendment to the Fourth Schedule as amended by clause (i) of section 24 shall be deemed to have come into force with effect from 8th February, 1996.

(e) Clause (xvi) of section 21 relating to item 195 of the First Schedule shall be deemed to have come into force with effect from 1st April, 1996.

(f) the remaining provisions shall come into force with effect from 1st August, 1996.

Amendment
of section
2 Act VI
of 1957.

In the Andhra Pradesh General
Sales Tax Act, 1957 (hereinafter referred

to as the Principal Act), in section 2, in sub-section (1),-

(i) after clause (aa), the following clause shall be inserted, namely:-

"(aaa)" "Additional Commissioner" means any person appointed to be an Additional Commissioner of Commercial Taxes under section 4".

(ii) after clause (g), the following clause shall be inserted, namely:-

"(gg)" fair market price" means the price that the goods would ordinarily fetch on sale in the open market on the date of sale of such goods."

(iii) for clause (nn), the following shall be substituted, namely:-

"(nn)" Retail Dealer" means any dealer whose total turnover in a year does not exceed rupees ten lakhs and whose total turnover comprises sales of goods to persons, who purchase the goods for their own use but not for resale, and to other dealers only for effecting accommodation sales in the relevant assessment year."

(iv) after clause (mm), the following clause shall be inserted, namely:-

"(mmm)" "Accommodation sales" means sale of goods effected by a dealer which are not in stock held by that dealer as on the date of sale, but which are obtained by him from any other registered dealer specially to accommodate a particular customer and

the sale is effected by the said dealer without making any profit out of that transaction."

(v) in clause (e) after Explanation III, the following shall be added, namely:-

"Explanation IV,- For the purpose of this clause, each of the following persons and bodies who sells or dispose of any goods including unclaimed or confiscated or unserviceable goods or scrap surplus, old, obsolete, or discarded material or waste products whether by auction or otherwise, directly or through an agent for cash, or for deferred payment or for any other valuable consideration shall be deemed to be a dealer to the extent of such disposals or sales, namely, -

(a) the Port Trust;

(b) Municipal Corporation, and Municipal Councils, and other local authorities;

(c) Railway administration as defined under the Indian Railways Act, 1890;

(d) Shipping, transport and construction companies;

(e) Air transport companies and airlines;

(f) Transporters, holding permits for transport vehicles granted under the Motor Vehicles Act, 1988 which are used or adopted to be used for hire;

(g) The Andhra Pradesh State Road Transport Corporation;

(h) Customs Department of the Government of India administering the Customs Act, 1962;

(i) Insurance and financial corporations or companies and Banks included in the Second Schedule to the Reserve Bank of India Act, 1934;

(j) Advertising agencies;

(k) Any other Corporation, company body or authority owned or set up by or subject to administrative control of the Central Government or any State Government.

(vi) for clause (k), the following shall be substituted, namely:-

(k) "Place of business" means any place where a dealer purchases or sells goods and includes -

(i) any ware-house godown or other place where a dealer stores or process his goods;

(ii) any place where a dealer produces or manufactures goods;

(iii) any place where a dealer keeps his books of accounts;

(iv) in case where a dealer carries on business through an agent (by whatever name called) the place of business of such agent."

(vii) after clause (k), the following clause shall be inserted, namely:-

"(kk)" "Principal place of business" means-

(i) in the case of manufacturing or processing units the place of manufacture or processing;

(ii) in the case of manufacturing or processing units with more than one factory, the place where the main factory or processing unit is located;

(iii) in the case of trading units the place from which the dealer carries on his main business."

3. In section 4 of the principal Act,-

(i) in the marginal heading after the words "Commissioner of Commercial Taxes," the words "Additional Commissioner of Commercial Taxes," shall be inserted;

(ii) in the section, for the words "as many Joint Commissioners of Commercial Taxes," the words "as many Additional Commissioners of Commercial Taxes, Joint Commissioners of Commercial Taxes", shall be substituted.

Insertion
of new
section 5A.

4. After section 5 of the principal Act, the following sections shall be inserted, namely:-

Levy of tax on turnover. 5A. (1) Notwithstanding anything contained in this Act, tax shall be levied at the rate of one paise

On every rupee of turnover of a dealer whose total turnover in a year exceeds rupees ten lakhs;

Provided that the tax shall not be levied under this section on that part of the turnover of any dealer on which the dealer is liable to pay tax at the point of levy specified in the First Schedule, Second Schedule, Fifth Schedule and Seventh Schedule to the Act:

Provided further that no tax under this section shall be payable on that part of turnover which relates to;

(i) sale or purchase of goods specified in Third Schedule;

(ii) sale or purchase of goods specified in Fourth Schedule;

(iii) sale or purchase of goods specified in Sixth Schedule;

(iv) sale or purchase of goods in the course of inter-State trade or commerce;

(v) sale or purchase of goods in the course of export out of the territory of India or sale or purchase in the course of import into the territory of India;

(vi) sale or purchase of goods exempt from tax generally under sub-section (1) of section 9 of the said Act.

(vii) all amounts collected by way of tax under the provisions of the Central Sales Tax Act, 1956.

(2) For the purpose of this section the turnover which a dealer shall be liable to pay tax shall be determined after making such deductions from his total turnover, and in such manner as may be prescribed.

Insertion of new section 5AA. 5. After section 5A of the principal Act, the following section shall be inserted, namely:-

<p>"Levy of tax on trade mark holder.</p>	<p>5AA. Notwithstanding anything contained in this Act whenever a dealer, who holds the trade mark or the patent thereof, sells goods other than the declared goods at any point of sale other than first point of sale, he shall be deemed to be the first seller in the State and he shall be liable to pay tax accordingly and for determining the tax due to be paid by him, the tax levied and collected at the preceding point of sale if any, on the same goods shall be deducted from the tax payable by him at that point of sale.</p>
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Amendment of section 5B 6. In section 5B of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Notwithstanding anything contained in this Act, every dealer shall pay tax at the rate of 4 paise in the rupee or at the rates specified in section 5 in respect of goods other than declared goods, or under section 6 in respect of declared goods, whichever is lower, on the turnover relating to such sale in the following circumstances, namely:-

(a) when a dealer sells any goods to another dealer for use by the latter as raw material, component part, sub-assembly part, intermediate part and packing material in the manufacture or processing of goods inside the state:

(b) when a dealer sells to another dealer any goods (other than those falling under clause (a) which are notified by the Government from time to time for use by the latter in the manufacture or processing of the goods inside the State. The Government may also notify the goods which are not eligible for concessional rate of tax under this section.

Provided that the provisions of this section shall not apply to any sale unless the dealer selling the goods furnished to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in the prescribed form obtained from the prescribed authority on payment of prescribed fee.

7. In section 5E of the principal Amendment Act, the following proviso shall be added, namely:- of section 5E

"Provided that no such tax shall be levied if the total turnover of the dealer including such aggregate is less than Rs. two lakhs"

8. For section 5G of the principal Substitution of section 5G. Act the following shall be substituted, namely:-

*Composition of
tax payable
under Section
5F

5G. (1) Subject to such conditions and in such circumstances as may be prescribed if a dealer, who executes any works contract other than the category of contracts notified by the Government under sub-section (2), so opts, the assessing authority of the area may accept, in lieu of the amount of tax payable by him under the Act during the year, by way of composition, an amount at the rate of two paise on every rupee of the total amount paid or payable to the dealer towards execution of the works contract.:

Provided that no tax shall be payable under this section on the turnover relating to the amounts paid to a sub-contractor as consideration for the execution of the works contract whether wholly or partly subject to the production of proof that such sub-contractor is a registered dealer liable to tax under the Act and that the turnover of such amounts is included in the return of the turnover filed by such sub-contractor.

(2) The Government may notify from time to time the category of works contract for which the scheme of payment of tax by composition under sub-section (1) does not apply.

(3) Every dealer who elects to pay tax under sub-section (1) shall apply in the prescribed form to the assessing authority to be permitted to pay the amount of tax under sub-section (1), and on being so permitted, in the prescribed form, he shall pay tax as specified under section 13 and 15 of the Act.

9. In section 5H of the principal Act, for sub-sections (1) and (2), the following shall be substituted, namely:- Amendment
of section
5H

(1) Notwithstanding anything contained in this Act the Central Government or the State Government or an industrial, commercial or trading undertaking of the Central Government or of the State Government or a local authority or a statutory body, or a company registered under Companies Act, 1956 or any other person which the Government may notify from time to time, shall deduct from out of the amounts payable by them to a dealer in respect of works contract executed for them, an amount calculated at such rate as may be prescribed, but not exceeding three percent of the total turnover;

(2) The tax deducted under sub-section (1) shall be remitted to Government in such manner and within such time as may be prescribed."

10. For section 13-C of the principal Act, the following shall be substituted, namely:- Substitution
of section
13-C.

*Issue of Bills.	13-C. (1) Every dealer whose total turnover is not less than rupees two lakhs in a year, shall issue a bill or cash memorandum in such form and with such details of tax collected as may be prescribed, for every sale involving an amount not less than rupees one hundred:
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Provided that every dealer including a dealer whose turnover is less than rupees two lakhs shall issue a sale bill in

the proforma prescribed, irrespective of the amount of sale, when demanded by the buyer;

(2) Every dealer who violates the provisions of sub-section (1) and rules made thereunder shall be liable to pay a penalty of rupees one thousand or an amount calculated as a multiple of tax due on each such bill, subject to maximum of five times of the tax due, whichever is higher for every one of such lapse.

Amendment 11. In section 14-B of the principal of section Act, for sub-section (1) the following 14B. shall be substituted, namely:-

(1) If the assessing authority is satisfied that a dealer, with a view to evade the payment of tax, has shown in his account sales or purchases of any goods at a price which is less than fair market price of such goods, it may, at any time within a period of three years from the date on which any order of assessment was served on the dealer, assess or re-assess the dealer to the best of judgment on the turnover of such sales or purchases after making such enquiry as may be necessary and after giving the dealer a reasonable opportunity to show cause against such assessment."

Amendment 12. In section 14-C of the principal of section Act, -
14-C

(i) in sub-section (3), for the words "three years", the words "two years" shall be substituted;

(ii) in sub-section (4), for the words "three years", the word "two years" shall be substituted;

(iii) in sub-section (5), for the words "three years", the words "two years" shall be substituted.

13. In section 14-D of the principal ^{Amendment} Act.- (i) in sub-section (i), for the ^{of section} words "within thirty days of the close ^{14D.} of the year, submit to the assessing authority concerned, return of his total and net turnovers and tax due thereon, at all places of his business in the preceding year", the words "submit to the assessing authority concerned, a return of his total and net turnovers and tax due thereon, at all places of his business in the preceding year within such time" shall be substituted;

(ii) in sub-section (2), in the proviso for the words "three years", the words "two years" shall be substituted.

(iii) in sub-section (3):-

(a) in clause (ii), for the words "less than twenty five per cent over such turnover of the preceding year", the words "less than such percentage as may be prescribed when compared to that of preceding year" shall be substituted.

(b) in clause (iii), for the words "three years" the words "two years" shall be substituted.

(c) in clause (vi) for the words "three years" the words "two years" shall be substituted.

14. In section 19 of the principal ^{Amendment} Act, - ^{of section} 19.

"(i) in sub-section (1), for the words "Joint Commissioner", the words "an Additional Commissioner, Joint Commissioner", shall be substituted;

(ii) in sub-sections (2-B, and (C), for the words "the Joint Commissioner" the words "the Additional Commissioner or the Joint Commissioner" shall be substituted.

Amendment 15. In section 20 of the principal of section Act, in sub-section (2), for the words 20 "Joint Commissioner", the words "Additional Commissioner, Joint Commissioner" shall be substituted.

Amendment 16. In section 21 of the principal of section Act- 21.

(i) in sub-section (1), in clause (b) for the expression "By a Deputy Commissioner suo-motu under sub-section (4-C) of section 14" the expression "By the Additional Commissioner, or Joint Commissioner or Deputy Commissioner under section 14", shall be substituted.

(ii) In sub-section (6) for the words "the Joint Commissioner" the words "the Additional Commissioner or the Joint Commissioner" shall be substituted.

Amendment 17. In the principal Act, in section of section 28, in sub-section (4) for the proviso, 28. the following shall be substituted, namely:-

"Provided that no residential accommodation not being a shop-cum-residence shall be entered into and searched by any officer below the rank of Deputy Commissioner except on the authority of an order issued by any officer not below the rank of a Deputy Commissioner having jurisdiction over the area; or an officer

not below the rank of Deputy Commissioner of Commercial Taxes Department working in Vigilance and Enforcement Department having jurisdiction over the entire State of Andhra Pradesh."

18. After section 28 of the principal Act, the following section shall be inserted, namely:-

Insertion
of new
section
28-A.

Acquisition of the goods 28-A(1) Where the authority prescribed has reason to believe that any goods of a fair market value exceeding five thousand rupees have been sold or purchased by a dealer, to or from another dealer or person, as the case may be, for a consideration which is less than fair market price of the goods and that consideration for such sale or purchase as agreed to between the parties has not been truly stated in the invoice or delivery challan or any other document relating thereto, with the object of facilitating the reduction or evasion of the tax payable under this Act, the authority prescribed may, subject to the provisions of this section initiate proceedings for the acquisition of such goods:

(2) The powers conferred under subsection (1) shall be exercised by the prescribed authority in respect of goods sold or purchased which, are in transit or in the possession of the seller or buyer or their agents.

(3) In any proceedings under this section in respect of any goods which has been sold or purchased for a consideration which is less than its fair market price, it shall be presumed, unless the contrary is proved, that the

consideration for such sale as agreed to between the parties has not been truly stated in the invoice, or sale bill or other documents related thereto with such object as is referred to in sub-section (1).

(4) Before initiating such proceedings, the authority prescribed shall record his reasons for doing so and no orders shall be passed under sub-section (1) without giving the dealer an opportunity of being heard:

(5) No such proceedings shall be initiated unless the authority prescribed has reason to believe that the fair market price of the goods exceeds the consideration therefor by more than twenty per cent.

(6) Where any goods are acquired under this section the authority prescribed shall pay for such acquisition compensation which shall be a sum equal to the aggregate of the amount of sale price of the goods mentioned in the invoice or delivery challan or any document related thereto and any expenditure incurred on freight or any other incidental expenses incurred by the dealer in relation to those goods?"

Amendment 19. In section 30-C of the principal
of section Act, in sub-section (1), for the proviso
30-C the following shall be substituted,
namely:--

"Provided that the assessing authority shall not levy penalty if it is evident that due to bona-fide mistake the dealer collected tax in contravention of the

provisions of section 30B and the tax so collected in excess has been remitted to the Government along with the tax payable for that month:

Provided further that the assessing authority shall while imposing that penalty or forfeiture, take into consideration the amounts refunded to the purchaser from out of the amounts collected by way of tax in contravention of section 30B or for the refund of which satisfactory arrangement has been made.

20. In the principal Act, in section 34 in sub-section (1) for the words "An assessing authority or an appellate or revising authority" the words "An assessing authority or an appellate or revising authority or an inspecting authority" shall be substituted.

21. In the First Schedule to the principal Act, ^{Amendment of} the First Schedule

(i) For item 18 and the entry relating thereto the following item shall be substituted, namely:-

18. Cement

(a) Where the sale price of cement includes the value of packing material. At the point of first sale in the State. 16 paise in the rupee

(b) Where the packing material and cement are sold separately and or the sale price of cement does not include the value of packing material. At the point of first sale in the State. 20 paise in the rupee.

(iii) For items 24 and 128 and the entries relating thereto, the following items shall be substituted, namely:-

- | | | |
|--|--|------------------------|
| 24A. Vegetable oils, (non-refined) including ground nut oil, palm oil, gingelly oil, safflower oil, sunflower oil, soya bean oil, mustard oil, Kusum oil, tobacco seed oil, castor oil washed cotton seed oil other than rice bran oil and coconut oil | At the point of first sale in the State | 2 paise in the rupee. |
| 24B. Vegetable oil, (refined) obtained from non-refined oil mentioned in item 24A other than rice bran oil. | At the point of first sale in the State. | 2 paise in the rupee. |
| 24C. Rice bran oil | At the point of first sale in the State. | 2 paise in the rupee. |
| 24D. Coconut oil | At the point of first sale in the State | 10 paise in the rupee. |

(iii) in item 36, for column (2), the following shall be substituted, namely:-

"Cosmetics and toilet preparations whether medicated or otherwise including scents, perfumes, face powders, talcum powders, hair-tonics, hair-oils other than coconut oil, hair lotions, hairdyes, hair creams, shampoo in any form, all kinds of face and body creams and snows, pomades, depilatories, tooth-powder, tooth-paste, tooth-brushes and shaving creams, After shave lotion, personal deodorants or sprays, room deodorisers' or freshners".

(iv) for item 37 the following shall be substituted, namely:-

37. "Drugs and medicines" At the point of 10 paise in the whether patent or first sale in the rupee. proprietary, as defined in section 3 of the Drugs & Cosmetics act, 1940 (Central Act 23 of 1940), but not including - State.

(a) goods covered, described or specified in any other entry in this Schedule;

(b) medicated goods;

(c) products capable of being used as cosmetics and toilet preparations including toothpaste, tooth-powders, cosmetics, toilet articles and soaps;

(d) mosquito repellants in any form."

(v) item 53 shall be omitted.

(vi) for item 78 and the entry relating thereto, the following items shall be substituted namely:-

78. Pesticides, insecticides, At the point of 5 Paise in the fungicides, herbicides, First sale in rupee. weedicides and other the State. plant protection equipment and accessories thereof.

78A. Pesticides concentrate or technical grade pesticides used by any registered manufacturer At the point of 4 paise in the first sale in the rupee. State

in the State for manufacture of formulated pesticides.

(vii) in item, 79, the following shall be substituted, namely:-

79. Pure silk cloth	At the point of last sale in the State.	4 paise in the rupee.
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(viii) after item 80, the following items shall be added, namely:-

80A. Feed supplements, nutrients, mineral mixture, vitamins, medicines and any other category of feed supplements which are used in poultry feed, fish feed, prawn feed and feed for live-stock.	At the point of the first sale in the State.	9 paise in the rupee.
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80B. Fish feed and prawn feed and feed for livestock other than cattle.	At the point of first sale in the State.	4 paise in the rupee.
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(ix) in item 98 for the last column the following shall be substituted namely:-

"twelve paise in the rupee"

(x) in item 105, in column (2) for the words "costing less than rupees fifty", the words "costing less than rupees two hundred" shall be substituted.

(xi) item 108 shall be omitted.

(xii) in item 126 for the words "monoblock pumpsets" the words "monoblock pumpsets, pumps, hand pumps" shall be substituted.

(xiii) in item 166 for the words "Coir products" the following shall be substituted namely:-

"Coir products other than rubberised coir products included in item 7 in the Sixth Schedule."

(xiv) (i) in item 187 (1) in column (2) for the words and brackets "(excluding HDPE Woven sacks)" the words and brackets "(excluding HDPE Woven sacks and laminated sheets)" shall be substituted.

(ii) in entry (4) for the words "sheets" the words "sheets excluding laminated sheets" shall be substituted.

(iii) after entry (4) the following shall be added namely:-

"(5) polythene bags, plastic bags."

(xv) In item 191 in column (2) after the word "glue" the words "Araldite or any other Adhesive by whatever trade name known or called" shall be added.

(xvi) After item 192 and the entries relating thereto, the following items shall be added, namely:-

- | | | |
|--|---|------------------------|
| 193. Residual petroleum products like LSMS and Aromex. | At the point of first sale in the State. | 16 paise in the rupee. |
| 194. Panmasala including Gutka sold in sealed containers or pouches or any other type of packages. | At the point of first sale in the State | 10 paise in the rupee. |
| 195. Casurina poles, Eucalyptus logs and outsizes thereof | At the point of first sales in the State. | 10 paise in the rupee. |

196. Beedi Leaves 9 paise in the rupee.
- i. When sold by Forest Development Corporation of Andhra Pradesh at the point of sale by that Corporation.
 - ii. When sold by Forest Department of Andhra Pradesh at the point of sale by a dealer who purchased beedi leaves from Forest Department
 - iii. in all other cases at the point of purchase by first dealer in the State.
197. Goods of incorporeal or intangible character, including patents and trade marks. At the point of first sale in the State. 4 paise in the rupee.
198. All kinds of flakes made of maize or wheat or rice or other cereals. At the point of first sale in the State. 10 paise in the rupee.
199. Blankets and Traveling Rugs. At the point of first sale in the State. 4 paise in the rupee.

200. Curtains (including drapes) interior blinds, bed valances and textile furnishing material. At the point of first sale in the State. 4 paise in the rupee.
201. Prawn seeds including prawn seeds - PL 20, other than those mentioned in item 19 of Second Schedule. At the point of first sale in the State. 10 paise in the rupee."

(xvii) In Explanation III to the First Schedule for the words "For the purpose of items 31, 39, 70 to 74 98, 103 and 118" the words "for the purpose of items 31, 39, 70 to 74, 98, 103, 118 and 193" shall be substituted.

22. In the Second Schedule of the principal Act;— Amendment of the Second Schedule.

- (i) In item 5 in column (2) after the words "Andhra Pradesh Co-operative Societies Act 1964" the words "in the Co-operative Societies Act of any other State or Union Territory" shall be added;
- (ii) Item 18 and entries thereof shall be omitted;

(iii) In item 19 for column (2), the following shall be substituted, namely:—

"Prawns other than prawn seed mentioned in First Schedule, lobsters, frogs and frog-legs."

23. In the Third Schedule,— Amendment of the Third Schedule.

- (i) sub item(xvi) of entry 2 shall be omitted;
- (ii) for item 2A and for the entries thereon, the following shall be substituted, namely:—

2. Iron and Steel scrap
that is to say

- | | | |
|---|---|--------------------------------------|
| <p>i. Iron scrap, cast-iron scrap, runner scrap and iron skull scrap.</p> <p>ii. Steel melting scrap in all forms including steel skull, turnings and borings.</p> <p>iii. Defectives, rejects, cuttings or end pieces of any of the categories of item (i) to (xv) of Entry 2.</p> | <p>When purchased by a steel reroller or electric Arc furnace or Electric furnace cum-reroller or induction furnace cum reroller or induction furnace, or mini-steel plant-cum reroller in the State at the point of purchase by said dealers and in all other cases at the point of purchase by the last dealer who buys in the State.</p> | <p>4 paise
in the
rupee.</p> |
|---|---|--------------------------------------|

Amendment

24. In the Fourth Schedule,-

of the (i) item 7A shall be omitted and
Fourth for the Explanation, the following Expla-
Schedule. nation shall be substituted, namely:-

"Explanation: The goods mentioned in entries 5, 6 and 7 of this Schedule shall be goods included in the relevant heads and sub-heads of the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, but does not include goods where no Additional Duties of Excise are levied under that Schedule.

(ii) After item 11 the following item shall be added namely:-

"12. Water other than Aerated water and mineral water."

25. In Sixth Schedule to the Princi- Amendment
pal Act, " of the
Sixth
Schedule

(i) In item 3, in column 2, the following shall be substituted, namely:

"All clocks, time pieces and watches including Quartz watches and clocks and parts thereof".

(ii) in item 5, in column 2, in entry 4, after the words "electrical grinders", the words "including wet grinders" shall be inserted.

(iii) in item 7, in column 2, after the words "articles made of rubber", the words "rubberised coir products" shall be inserted.

(iv) in item 12, in column 2, for entry (iv), the following shall be substituted, namely:-

"(iv) Transmission, conveyor or elevator belts or belting material of vulcanised rubber, or textile material whether reinforced with metal or other material and whether combined with any material or otherwise."

(v) for item 16 and entries relating thereto, the following item shall be substituted, namely:-

16 Foot-wear other than plastic foot-wear cost- ing Rs. 200/- and above. At every point of sale in the State, rupees. 10 paise in the sale in the State, rupees.

(vi) in item 17, in column 2, after the words, "plywood, particle Board, lamin board", the words, "laminated sheets, M.D.F. Boards" shall be inserted.

(vii) after item 20, the following items shall be added, namely:-

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|---|---|
| <p>21. Aerated water, and bottled soft drinks sold under a brand name whether or not flavoured or sweetened and whether or not containing vegetable or fruit juice or fruit pulp, including squashes, jams, jellies, juices when sold in sealed or capsuled or corked bottles, jars, tins, drums or other containers and mineral water sold under a brand name.</p> | <p>At every point of sale in the State. 12 paise in the rupee.</p> |
| <p>"22. Chinaware and porcelain ware other than crockery.</p> | <p>At every point of sale in the State. 15 paise in the rupee."</p> |

(viii) In the proviso, the first Explanation shall be numbered as Explanation-I and the second Explanation shall be numbered as Explanation-II and for the proviso after the Explanation-II so numbered, following shall be substituted namely:-

"Provided further that the turnover of a retail dealer in respect of sale of goods other than liquor mentioned in this Schedule, to persons other than dealers at any point of sale other than first point of sale, shall be exempt from payment of tax and that part of turnover of a retail dealer which relates to second and subsequent sales of the goods referred to above to other dealers,

for effecting accommodation sales by the latter shall also be exempt from tax, if such turnover does not exceed five percent of the total turnover of that dealer in a year, and a Certificate is produced in such manner and form as may be prescribed:

(ix) Provided further that in the case of a retail dealer whose total turnover did not exceed rupees ten lakhs in the preceding year, but exceeded Rs. ten lakhs during the current year for the first time, such dealer shall be liable to pay tax under this Schedule on the turnover of second and subsequent sales (in addition to the tax payable on the turnover of the first sales) made by him subsequent to the date on which the turnover of that dealer exceeded Rs. 10 lakhs in that year.

(x) To the Proviso the following further proviso shall be added namely:-

"Provided further that when the goods, other than liquor mentioned in this Schedule, manufactured by SSI units, which are eligible for Tax Holiday under the State Incentives Scheme, are sold at second and subsequent points of sale, the turnover liable to tax at such points of sale shall be determined after deducting the turnover at the preceding point of sale from the turnover of the same goods at that point of sale."

26. The Andhra Pradesh General Sales Repeal of Tax (Amendment) Ordinance, 1996 is ordinance hereby repealed. 19 of 1996.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

THE ANDHRA PRADESH GENERAL SALES TAX
(AMENDMENT) ACT, 1997.

ACT No. 8 OF 1997*

[1st April, 1997.]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh General Sales Tax (Amendment) Act, 1997. and com-
mencement.

*Received the assent of the Governor on 31st March, 1997.
For Statement of the Objects and Reasons. Please see the
A.P. Gazette Part IV-A Extraordinary dated 13th March,
1997 at P-6.

(2) (i) The post of "Additional Commissioner" which has been inserted in clause (aaa) of sub-section (1) of section 2, sections 4, 19 and 20 of the principal Act shall be deemed to have come into force with effect from the 19th November, 1991;

(ii) clauses (i) and (ii) of section 6 relating to items 28 and 29 of the First Schedule shall be deemed to have come into force with effect from 1st December, 1996; and

(iii) the remaining provisions shall come into force with effect from the 4th January, 1997.

Amendment of section 14-D. 2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), in section 14-D, in sub-section (1) for the words, "whose total turnover in a year does not exceed rupees twenty five lakhs", the words "whose total turnover in a year exceeds rupees ten lakhs but does not exceed rupees twenty five lakhs" shall be substituted.

Insertion of New section 14E. 3. After section 14-D of the principal Act, the following section shall be inserted, namely:-

<p>"Self-assessment of dealers with a turnover less than rupees ten lakhs.</p>	<p>14-E. (1) Any dealer whose turnover in a year does not exceed rupees ten lakhs may, subject to the conditions mentioned in this section and rules made thereunder, opt for self assessment.</p>
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(2) Any dealer whose turnover in a year does not exceed rupees ten lakhs and who intends to opt for self assessment may, in lieu of the return to be filed under section 15, submit to the assessing authority, within forty five days from the close of the year, a return of self assessment in such form and in such manner as may be prescribed and in such return he shall assess the turnover at all places of his business during the year and tax due thereon correctly."

Provided that any return filed after the expiry of forty five days and before seventy five days from the close of the year may be received if the return is accompanied by a treasury receipt or cheque or demand draft for payment of a penalty equivalent to the amount calculated at the rate of rupees one hundred for every day of delay.

(3) The Commissioner of Commercial Taxes shall issue guidelines from time to time, for identifying from among the dealers who filed returns under sub-section (2), the dealers whose assessments shall be taken up for assessment under section 14.

(4) From among the dealers who filed returns under sub-section (2) the Deputy Commissioner shall on the basis of the guidelines issued by the Commissioner of Commercial Taxes from time to time, identify within such time as may be prescribed, the dealers whose assessments shall be taken up under section 14.

appeal preferred after the period of sixty days specified in sub-section (1), if it is satisfied that the dealer had sufficient cause for not preferring the appeal within that period."

6. In the First Schedule to the principal Act,-

Amendment
of the
First
Schedule.

(i) in item 28, in column (4), for the expression "8 paise in the rupee", the expression "2 paise in the rupee" shall be substituted;

(ii) in item 29, in column (4), for the expression "8 paise in the rupee", the expression "2 paise in the rupee" shall be substituted;

(iii) in item 194, in column (4), for the expression "10 paise in the rupee", the expression "50 paise in the rupee" shall be substituted.

7. The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1997 is hereby repealed.

Repeal of
Ordinance
3 of
1997.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs and Justice,
Law Department.

**THE ANDHRA PRADESH GENERAL SALES TAX
(SECOND AMENDMENT) ACT, 1997.**

ACT No. 30 OF 1997*

[11th December, 1997]

An Act further to amend the Andhra Pradesh General Sales Tax Act, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the **Andhra Pradesh General Sales Tax (Second Amendment) Act, 1997.** Short title and commencement.

*Received the assent of the Governor on 9th December 1997. ^Q
For Statement of the Objects and Reasons. Please see the T.
A.P. Gazette Part IV-A Extraordinary dated 29th July,
1997 at P-5.

(2) (i) Clauses (i), (ii), (iv), and (v) of Section 2; and Section 4 shall be deemed to have come into force on the 12th May, 1997;

(ii) Clause (iii) of Section 2 and Section 3 shall be deemed to have come into force on the 18th March, 1997.

Amendment
of the
First
Schedule. 2. In the First Schedule to the principal Act, -

(i) for item 19 and the entires relating thereto, the following item and entires shall be substituted, namely:-

19. (i) Packing material that is to say Bottles of all types whether made of Glass, Plastic or any fibre or any other material,-

(a) when sold without contents. At the point of first sale in the State. 4 paise in the rupee.

(b) when sold containing contents. -Do- The rate at which the content. is liable to tax.

(ii) HDPE Woven Sacks High density Polythylene Polypropylane (HDPE/PP) Woven Sacks, Polythene bags and plastic bags,-

(a) when sold without contents. -Do- 4 paise in the rupee.

(b) when sold containing contents. At the point of first sale in the State. The rate at which the content is liable to tax.

(iii) Gunnies

(a) when sold without contents. -Do- 4 paise in the rupee.

(b) when sold containing contents. -Do- The rate at which the content is liable to tax.

(iv) All types of containers not mentioned above;

(a) When sold without contents. -Do- 4 paise in the rupee.

(b) when sold containing contents. -Do- The rate at which the content is liable to tax.;

(ii) item 157 and the entries relating thereto shall be omitted;

(iii) item 174 and the entries relating thereto shall be omitted;

(iv) in item 187 in column 2, sub-items 5 and the entries relating thereto shall be omitted;

(v) item 188 and the entries relating thereto shall be omitted.

3. In the Third Schedule to the Amendment principal Act, after item 22, the following of the item and the entries relating thereto Third shall be added, namely:- Schedule

23 PVC cloth,	At the point	4 paise
Waterproof cloth,	of first sale	in the
Tarapaulin and	in the State	rupee. "
Rexine.		

Amendment of the Sixth Schedule. 4. In the Sixth Schedule to the principal Act,-

(i) in item 1, in column(2) the following shall be substituted, namely:-

"All liquors, bottled and packed as per the provisions of the Andhra Pradesh Excise Act but excluding toddy and arrack";

(ii) in item 18 in column(2) for sub-item(v) the following shall be substituted, namely:-

"(v) Other Glassware including Tableware but excluding bottles.";

(iii) the explanations occur after the proviso shall be numbered as Explanation I, Explanation II and Explanation III, and after as so renumbered, Explanation I shall be substituted as follows:-

Explanation-I (a) For the purpose of entry 1 in this Schedule when any distillery or brewery or any dealer sells liquor to Andhra Pradesh Beverages Corporation Limited, sales by Andhra Pradesh Beverages Corporation Limited shall be deemed to be the first sale.

(b) Point of last sale shall mean sale of liquor to a person by a dealer who purchased liquor from Andhra Pradesh Beverages Corporation Limited:

Provided that the turnover of any distillery or brewery of any dealer in respect of sale of liquor to Andhra Pradesh Beverages Corporation Limited shall be exempt from payment of tax.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

ACT No. 2 OF 1998.

* [3rd January, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
GENERAL SALES TAX ACT, 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

<p>1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1998.</p>	<p>Short title and Commence- ment.</p>
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*[Received the assent of the Governor on the 01-01-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 21-11-1997 at Page 67.]

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 5G. 2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), after the proviso to sub-section (1) of section 5G, the following proviso shall be added:

short title and

in the forty-eighth year of the Republic of India, as follows:-

Provided further that if a dealer who executes a works contract of construction of apartments or buildings, so opts, the assessing authority of the area may accept, by way of composition an amount calculated at the rate of rupees 4/- (Rupees four only) per square foot of the constructed area.

Amendment of section 13-A. 3. In section 13-A of the principal Act, for the words "a sum not exceeding rupees five hundred", the words "a sum calculated at the rate of one hundred rupees for every day of delay in filing return.", shall be substituted.

4. In section 14-E of the principal Act, - Amendment
of section
14-E.

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Any dealer whose turnover in a year does not exceed rupees ten lakhs and liable to file a return under section 15, shall submit to the assessing authority, within sixty days from the close of the year, a return of self assessment in such form and in such manner as may be prescribed and in such return he shall assess the turnover at all places of his business during the year and tax due thereon correctly;

Provided that any return filed after the expiry of sixty days from the close of the year may be received if the return is accompanied by a treasury receipt or cheque or demand draft for payment of a penalty equivalent to the amount calculated at the rate of rupees one hundred for every day of delay."

(ii) sub-section (2) shall be omitted;

(iii) in sub-sections (3), (4) and (5), for the words "under sub-section (2)", the words "under sub-section (1)" shall be substituted;

(iv) sub-sections (3), (4), (5) and (6) shall be renumbered as sub-sections (2), (3), (4) and (5) respectively; and

(v) sub-section (7) shall be omitted.

Amendment of section 15. 5. In section 15 of the principal Act, in sub-section (4), for clauses (a) and (b) the following clauses, shall be substituted, namely:-

"(a) an amount equal to thirty per cent (30%) of the tax where the dealer has charged the tax from the purchaser; and

(b) in any other case, an amount equivalent to twenty per cent (20%) of the amount of tax."

Amendment of section 16. 6. In section 16 of the principal Act,

(i) in sub-section (1), after the second proviso, the following proviso shall be added, namely:-

"Provided also that the assessing authority shall require the dealer to pay the tax due as per the return filed by him in case such return is not accompanied by the proof of payments of tax and it shall not be necessary to give minimum time of fifteen days for payment of tax as mentioned in this section.";

(ii) for sub-section (3) the following sub-section shall be substituted, namely:-

"(3) (a) If the tax assessed or penalty levied or any other amount due under this Act or any instalment thereof is not paid by any dealer or other person within the time specified therefor in the notice of demand or in the order permitting the payment in instalments or

in any other provision of the Act or the rules made thereunder, the dealer or other person, shall pay, in addition to the amount of such tax, penalty, instalment or any other amount, interest calculated per every one hundred rupees or part thereof at the rates mentioned below for the period of delay from the due date or date specified for its payments.

- (i) Within 30 days .. at the rate of 18% of
of delay .. the tax due.
- (ii) above 30 days but .. at the rate of 24% of
below 90 days of .. the tax due.
delay
- (iii) above 90 days but .. at the rate of 30% of
below 365 days of .. the tax due;
delay
- (iv) for delay exceed- .. at a flat rate of 36%
ing one year. .. of the tax due.

(b) If any dealer fails to pay tax along with the return due to be filed by him, interest calculated at the rates mentioned in sub-clause (a) of this sub-section shall be levied for the period of delay commencing from the date on which the return is due to be filed by that dealer to the assessing authority.

(c) The dealer shall calculate the interest at the rates mentioned above for the period of delay and shall remit it along with the tax due to be paid by him.

(d) If any new dealer fails to file a return he shall be liable to pay interest on the amount of tax due or as assessed by the assessing authority for the period of delay commencing from the date on which the return is due to be filed by him."

Amendment of • First Schedule. 7. In the First Schedule to the principal Act, in item 32, in column (2), the word "and" shall be omitted.

K. M. NAGABHUSHANA RAO,
Secretary to Government,
Legislative Affairs & Justice (I/c),
Law Department.

ACT No. 12 OF 1998.

*[17th April, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH GENERAL SALES TAX ACT, 1957.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh
in the Forty-ninth Year of the Republic
of India, as follows:-

1. (1) This Act may be called the
Andhra Pradesh General sales Tax (Second
Amendment) Act, 1998.

Short title
and
commence-
ment.

*[Received the assent of the Governor on the 16-04-1998.
For statement of object and reasons please see the Andhra
Pradesh Gazette, Part-IV-A, Extraordinary dated 26-03-1998
at Page 3.]

(2) It shall be deemed to have come into force on the 25th February, 1998.

Amendment of First Schedule. Act VI of 1957 2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), in the First Schedule,-

(i) after item 201, the following item and the entries relating thereto shall be added, namely:-

"202 All liquors, bottled and packed as per the provisions of the Excise Act but excluding toddy and arrack.	At the point of first sale in the State.	70 Paise in the rupee."
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(ii) after Explanation-VIII, the following Explanation shall be added, namely:-

Explanation-IX: For the purpose of item 202, when any distillery, or brewery or any dealer sells liquor to the Andhra Pradesh Beverages Corporation Limited, sales by the Andhra Pradesh Beverages Corporation Limited shall be deemed to be the first Sale."

Amendment of Sixth Schedule. 3. In the Sixth Schedule to the principal Act, item I and the entries relating thereto shall be omitted.

4. Notwithstanding anything contained in section 3 of the Andhra Pradesh General Sales Tax (Amendment) Act, 1998, the stock of all liquors other than toddy and arrack purchased from the Andhra Pradesh Beverages Corporation Limited before 25-2-1998 and declared as stock on that date by retail liquor dealers shall be liable to tax at the rate of 10% at the point of last sale in the State irrespective of the date of sale after 25-2-1998. Saving

G. BHAVANI PRASAD,
Legislative Affairs & Justice,
Law Department.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 3rd April, 1999 and the said assent is hereby first published on the 6th April, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 9 OF 1999.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH GENERAL SALES TAX ACT, 1957

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows:-

Received the assent of the Governor on the 5-4-1999. For statement of objects and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 26-11-1998 at pages 4 & 5.

Short title
and com-
mencement.

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 1999.

(2) (i) Clauses 2, 3 and 4 shall come into force on such date as the State Government may, by notification, appoint; and

(ii) in clause (5) in the entry, in column 2, the item "Palm Oil" shall be deemed to have come into force with effect from 12th June, 1998 and the item "R.B.D., Palmolive Oil" shall be deemed to have come into force with effect from 23rd June, 1998.

Insertion
of section
4A.
Act VI of
1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the principal Act), after section 4, the following section shall be inserted, namely:-

"Powers of subordinate Officers to be exercised by higher authorities.

4 A. The powers conferred by this Act and the rules made thereunder on any of the officers appointed under section 4 of

this Act may also be exercised by any of the officers superior to the officers so empowered, subject to any instructions issued by the Commissioner of Commercial

Taxes in this regard."

Insertion
of sec-
tion 16-C.

3. After section 16-B of the principal Act, the following section shall be inserted, namely:-

"Liability under this Act to be the first charge.

16-C. Notwithstanding anything to the contrary contained in any law for the time being in force, any

amount of tax, penalty, interest and any

other sum if any, payable by a dealer or any other person under this Act, shall be the first charge on the property of dealer, or such person."

4. In section 20 of the principal Act, Amendment in sub-section (2), for the words of section 20. "Deputy Commissioner" the words "Deputy Commissioner, Assistant Commissioner", shall be substituted.

5. In the First Schedule to the Amendment principal Act, after item 24D, the of the following item and the entry relating First there to shall be inserted, namely:- Schedule.

"24 E. Palm Oil, including R.B.D., Palmolene Oil.	At the point of first sale in the State.	4 Paise in the rupee."
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G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of Madhya Pradesh General Sales Tax, Act, 1957 higher authorities can exercise the powers of sub-ordinate officers only with regard to assessment under section 14 (4). There are certain functions like issue of registration certificates, powers to authorise searches, powers to exercise special powers under Revenue Recovery Act etc., that are vested with the Officers of particular cadre and the higher authorities are unable to exercise such powers. In order to have a smooth functioning, it is felt necessary to include a general clause empowering the superior officers to exercise all the powers of sub-ordinate officers under general supervision of the Commissioner of Commercial Taxes.

The collection of arrears of Sales Tax has been posing certain administrative problems. It is noticed that the property attached under Revenue Recovery Act could not be disposed of as it was hypothecated to either financial institutions or to others. In order to have a definite claim on the property, it is now proposed that the liability under the Sales Tax Act shall be the first charge on the property. Similar provision is available in the Rajasthan Sales Tax Act and it was up-held by the Court.

The revision powers are presently exercised by the officers of the rank of Deputy Commissioners and above. It is noticed that Deputy Commissioners who are having overall responsibility of the administration of the division are unable to pay sufficient attention to the revision work. Therefore, it is felt necessary to provide revision powers to the Assistant Commissioners also so that revision work could be speeded up and the revenues are protected.

Sales Tax is levied on non-refined oils and refined oils under item 24(A) and 24(B) of First Schedule to the Act at the rate of 2 percent. Tax is being collected at three stages, while giving set off of tax paid on earlier Sales. The refined oils mentioned in 24 B operate only when non-refined oils were subjected to tax under the local Act. It is noticed that R.B.D., Palmolene Oil is being imported from outside the country and it being in refined stage, no tax on

the earlier stages like non-refined or oil seed were levied. The R.B.D., Palmolene Oil, thus is, general item liable to tax at the rate of 10%. As R.B.D., Palmolene Oil is cheap and supplied through P.D.S., many consumers are slowly turning away from conventional edible oils. The increased use of R.B.D., Palmolene Oil controls to some extent the selling price of other edible oils. In order to encourage the sales of R.B.D., Palmolene Oil and to lessen the tax burden, orders were issued introducing a separate entry namely item 24 (E) to the First Schedule, levying tax at the rate of 4% on R.B.D., Palmolene Oil.

To achieve the above objects, Government have decided to amend the Andhra Pradesh General Sales Tax Act, 1957 suitably.

This Bill seeks to give effect to the above decisions.

SIMHADRI SATYANARAYANA RAO,
Minister for Commercial Taxes.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 28th April, 2000 and the said assent is hereby first published on the 29th April, 2000 in the Andhra Pradesh Gazette for general information.

ACT NO. 19 OF 2000
**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH GENERAL SALES TAX ACT 1957.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty first-Year of the Republic of India, as follows:

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 2000.

(2) Sections 2, 8, 9, 10 and 11 shall come into force with effect from 1st April, 2000.

(b) Sections 3, 4, 5, 6 and 7 shall be deemed to have come into force with effect from 31st December' 1999.

(c) Clauses (ii), (xiv), (xxv), (xxxix), (xl), (xlii) and item 210 of First Schedule as inserted by clause (xiv) of section 12 and clause (xi) of Section 15 shall be deemed to have come into force with effect from 14th February, 2000.

ANDhra Pradesh ACTS ORDINANCES AND REGULATIONS shall be deemed to have come into force with effect from 1st January' 2000.

Amendment of section 2 of Act 6 of 1957.

The following Act of the Andhra Pradesh Legislature passed and assented to on the 22nd day of April 1957 (hereinafter referred to as the principal Act) is hereby amended, namely:-

Section 2 of the said Act shall be amended as follows:-

(b) "Business" includes -

AN ACT TO AMEND THE ACT OF 1957.

nature of trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture or any such trade, commerce, manufacture or adventure or concern carried on or undertaken with a motive to make gain or profit, and whether or not any gain or profit accrues therefrom; and

(ii) any transaction in connection with or incidental or ancillary to such trade, commerce, manufacture, adventure or concern; and

(iii) any transaction in connection with or incidental or ancillary to the commencement or closure of such trade, commerce, manufacture, adventure or concern;

Explanation: For the purpose of this clause,-

(I) the activities of raising of manmade forests or rearing of seedlings or plants shall be deemed to be business;

(II) any transaction of sale or purchase of capital assets pertaining to such trade, commerce, manufacture, adventure or concern shall be deemed to be business and the expression "capital assets" shall have the same meaning as assigned to it in the Income Tax Act, 1961."

3. For section 5C of the principal Act the following shall be substituted, namely:-

Amendment
of
section 5C.

"Tax in respect of supply of articles of food or drinks in restaurants or catering houses or hotels.

5C. Notwithstanding anything contained in section 5 or section 6, every dealer running any restaurant or eating house or hotel, (by whatever name called), who supplies, by way of or as part of any service or in any other manner whatsoever of goods, being food or any other article for human consumption or any drink (whether or not

intoxicating) and whether or not such goods have suffered tax under this Act, where such supply or service is for cash, deferred payment or other valuable consideration shall on the total amount charged by the said dealer for such supply, pay a tax at the rate of eight paise on every rupee on the aggregate of such amount realized or realizable by him during the year:

Provided that no such tax shall be levied if the total turnover of the dealer including such aggregate during the year is less than Rs.2,00,000."

Amendment
of
section 5E.

4. In section 5E of the principal Act, in clause (a), for the words, "pay a tax at the rate of five paise in every rupee" the words "pay a tax at the rate of eight paise on every rupee" shall be substituted.

Amendment
of
section 5F.

5. In section 5F of the principal Act, the words, "at the rate of six paise on every rupee of his turnover", the words "at the rate of eight paise on every rupee of his turnover" shall be substituted.

Amendment
of
section 5G.

6. In section 5G of the principal Act, in sub-section (1) for the words, "an amount at the rate of two paise on every rupee" the words "an amount at the rate of four paise on every rupee" shall be substituted.

Amendment
of
section 5H.

7. In section 5H of the principal Act, in sub-section (1) for the words "an amount calculated at such rate as may be prescribed, but not exceeding three percent of the total turnover" the

words "an amount calculated at such rate as may be prescribed but not exceeding four per cent of the total turnover" shall be substituted.

8. In section 12 of the principal Act, after sub-section (1) the following sub-section shall be inserted, namely:- Amendment of section 12.

"1A. Notwithstanding anything contained in this section any dealer who purchases goods inside the State and sells the same to consumers on retail basis and who does not issue declarations in Form-X in respect of sales or purchases effected by him and who is not registered under Central Sales Tax Act, 1956 shall be registered as a special category dealer and certificate of the registration shall be issued to him in such manner and in such form as may be prescribed." Act No. 74 of 1956.

9. In section 13-C of the principal Act, for sub-section (2) the following shall be substituted, namely:- Amendment of section 13C.

"(2) Every dealer who violates provision of sub-section (1) and rules made thereunder shall be liable to pay penalty.

(3) The penalty leviable under sub-section (2),-

(a) shall be of Rs. 250/- or an amount calculated as a multiple of tax due on each such bill, subject to maximum of five times of the tax due whichever is higher for every one of such lapse;

(b) shall be of Rs. 1,000/- or an amount calculated as a multiple of tax due on each such bill, subject to maximum of five times of the tax due whichever is higher for every one of such subsequent lapse:

Provided that where such violation to issue bills was noticed for the first time such dealer shall be let off with a warning."

Amendment
of
section 14E.

10. In section 14-E of the principal Act, for the words "whose turnover in a year does not exceed rupees ten lakhs" the words "whose turnover in a year does not exceed rupees ten lakhs or a dealer registered under sub-section (1A) of section 12" shall be substituted.

Amendment
of
section
16(3).

11. In section 16 of the principal Act, in sub-section (3), in clause (a), in item (iv) for the expression 'at flat rate of 36% of tax due' the expression 'at the flat rate of 36% of the tax due per annum' shall be substituted.

Amendment
of
First
Schedule.

12. In the First Schedule to the principal Act,-

(i) in item 3, in column (2), the word "televisions" shall be omitted;

(ii) in item 19 (ii), in column (2), after the words "Polythene bags and plastic bags" the words "HDPE/PP Woven Fabrics", shall be added;

(iii) in item 23, in column (4) for the expression "3 paise in the rupee" the expression "4 paise in the rupee" shall be substituted;

(iv) in item 24-A, in column (4) for the expression "2 paise in the rupee" the expression "4 paise in the rupee" shall be substituted;

(v) for item 24-B and the entries relating thereto the following item shall be substituted, namely:-

"24B, Vegetable oils (refined).	At the Point of first sale in the State.	4 paise in the rupees."
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(vi) in item 24-C in column (4) for the expression "2 paise in the rupee" the expression "4 paise in the rupee" shall be substituted;

(vii) for item 27 and the entries relating thereto the following item shall be substituted, namely:-

"27 Narcotics	At the point of first sale in the State	20 paise in rupee."
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(viii) in item 28, in column (4), for the expression "2 paise in the rupee" the expression "4 paise in the rupee" shall be substituted;

(ix) in item 29, in column (4), for the expression "2 paise in the rupee" the expression "4 paise in the rupee" shall be substituted;

(x) in item 35, in column (4), for the expression "10 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xi) in item 38, in column (2) the words "computers of analog and digital varieties", shall be omitted;

(xii) after item 38, and the entries relating thereto the following items shall be added, namely:-

- *38A Computers, personal, mini, At the 8 paise in the
main frames, laptops of point of rupee.
analog and digital varie- First sale
ties including Automatic in the
Teller Machines, their hard State.
ware and peripherals like
modem, key board, monitor,
mouse, CPU, floppies of all
sizes, cartridge tape drives
CD ROM drives, DAT drives,
hard disks, printers of dot
matrix, inkjet and laser,
line, line-matrix,
Scanners, multi-media kits,
plotters, Computer consum-
ables, including DAT tips,
printer ribbons, printer
cartridges and cartridge
tapes and computer cleaning
kits, and their parts and
accessories.
- 38-B Television sets, Video -do- 12 paise in
Casette Recorders and Players the rupee.
music systems, Audio and
video CD players, DVD
players, including speakers,
mikes, amplifiers, digital
analysers, graphic equali-
sers, car radios, indoor
and outdoor TV and radio
antennas including dish
antennas and car antennas,
TV signals receiving boos-
ters, TV and video cameras,
projectors of all kinds,
projection screens and
their accessories and parts
thereof.

- 33-C Electronic toys and elec- -do- 12 paise in
tronic articles used for the Rupee.
playing games.
- 38-D All other electronic goods -do- 8 paise in
other than those specified the rupee";
elsewhere.

(xiii) in item 48, in column (4) for the expression "10 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xiv) in item 50, in column (2) the words "power tillers", shall be omitted;

(xv) in item 56, in column (4), for the expression "10 paise in the rupee" the expression "20 paise in the rupee" shall be substituted;

(xvi) for item 60 and the entries relating thereto the following item shall be substituted, namely:-

- | | | |
|---|--|----------------------------|
| "60. Maida, Atta, Rāvva
and Wheat Bran | At the point
first sale
in the State | 4 paise in
the rupee."; |
|---|--|----------------------------|

(xvii) in item 79, in column (4), for the expression "4 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xviii) in item 83-B, in column (2) after the word "including", the words "hammers, bits, drill rods, tungsten carbide buttons," shall be inserted;

(xix) in item 90a, in column (2), the words "sports shoes" shall be omitted;

(xx) for item 92 and the entries relating thereto, the following item shall be substituted, namely:-

"92. Mosaic tiles and chips, ceramic and glazed floor and wall tiles and joining powder and situ mixtures. At the point of first sale in the State. 8 paise in the rupee."

(xxi) after item 92-A, and the entries relating thereto, the following item shall be inserted, namely:-

"92-B Polished granite stones and tiles At the point of first sale in the State. 12 paise in the rupee."

(xxii) for item 94 and the entries relating thereto, the following item shall be substituted, namely:-

"94. Vacuum flasks including refills, casseroles and hot packs. At the point of first sale in the State. 12 paise in rupees."

(xxiii) item 105 and the entries relating thereto, shall be omitted;

(xxiv) in item 106 in column (2), for the words "Razor and razor blades" the words "Razor and razor blades including Shaving Kits and items thereof" shall be substituted;

(xxv) in item 112, in column (4), for the expression "10 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xxvi) for item 117 and the entries relating thereto, the following item shall be substituted, namely:-

"Chocolates, toffees, biscuits and other confectionary sold under a registered brand name or trade mark. At the point of first sale in the State. 16 paise in the rupee."

(xxvii) after item 117, and the entries relating thereto the following items shall be inserted, namely:-

- | | | |
|---|--|-------------------------|
| "117-A Cakes, pastries and biscuits sold without a brand name. | At the point of first sale in the State. | 6 paise in the rupee. |
| 118 Industrial gases other than petroleum gases and gases specified elsewhere in the Schedules. | -do- | 12 paise in the rupee." |

(xxviii) for item 119 and the entries relating thereto the following item shall be substituted, namely:-

- | | | | |
|---|--|--|--------------------------|
| "119. Sandalwood, oil and ivory and sandalwood. | Sandalwood and articles of oil and sandalwood. | At the point of first sale in the State. | 12 paise in the rupee."; |
|---|--|--|--------------------------|

(xxix) for item 120 and the entries relating thereto, the following item shall be substituted, namely:-

- | | | |
|---|---|--------------------------|
| "120. Musical instruments other than those specified elsewhere. | At the point of first sale in the State | 12 paise in the rupee."; |
|---|---|--------------------------|

(xxx) in item 125, in column (2), for the words "Pressure cookers" the words "Pressure cookers including pressure pans with or without lid and non-stick kitchenware" shall be substituted;

(xxxi) for item 129 and the entries relating thereto the following item shall be substituted, namely:-

- | | | |
|--|---|-------------------------|
| "129. Articles of cooked food or baked food excluding bread. | At the point of first sale in the State | 8 paise in the rupee."; |
|--|---|-------------------------|

(xxxij) for item 129-B and the entries relating thereto, the following item shall be substituted, namely:-

"129(B) Semiya, vermicilli and all types of noodles.	At the point of first sale in the State.	8 paise in the rupee."
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(xxxiii) for item 144 and the entries relating thereto, the following item shall be substituted, namely:-

"144. Ravva obtained from rice or maize.	At the point of first sale in the State.	8 paise in the rupee."
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(xxxiv) for item 147 and the entries relating thereto, the following item shall be substituted, namely:-

"147. Parched and fried bengal gram or dhalls and brokens and flour of gram or dhalls.	At the point of first sale in the State.	4 paise in the rupee."
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(xxxv) in item 149, in column (2) for the words "Cotton sewing thread" the words "Sewing thread of all kinds" shall be substituted;

(xxxvi) for item 150 and the entries relating thereto, the following item shall be substituted, namely:-

"150. Aluminium, brass, copper and bronze and articles made therefrom but excluding utensils and kitchenware.	At the point of first sale in the State.	8 paise in the rupee."
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(xxxvii) in item 151, in column (4), for the expression "10 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xxxviii) for item 158 and the entries relating thereto, the following item shall be substituted, namely:-

"158. Betel Nut Powder. At the point 8 paise in the
of first sale rupee."; .
in the State.

(xxix) in item 161, in column (2), after the words
"Polyester Viscose Yarn" the words "Acrylic yarn" shall be
added;

(xl) in item 167, in column (2), for the words "Sago"
the words "Sago and starch obtained from Tapioca" shall be
substituted;

(xli) after item 170, and the entries relating thereto,
the following item shall be inserted, namely:-

"170-A Coriander when obtained At the point 4 paise in the
from outside the State of first sale rupee."
in the State

(xlii) in item 182, in column (2) the word "Dry" shall
be omitted.;

(xliii) in item 187, in column (4), for the expression
"10 paise in the rupee" the expression "12 paise in the
rupee" shall be substituted;

(xliv) in item 197, in column (4), for the expression "4
paise in the rupee" the expression "8 paise in the rupee"
shall be substituted;

(xlv) after item 202, and the entries relating
thereto, the following items shall be added, namely:-

"203 Mosquito repellants and At the point 8 paise in the
devices of all kinds of first rupee.
including electronic re sale in the
pellant devices, refills, State.
mats, coils and acces-
sories thereof.

204 Dressed chicken. -do- 4 paise in the
rupee.

205	Cigarettes and cigars imported into India from foreign countries.	At the point of first sale in the State.	12 paise in the rupee.
206.	Ferro-alloys including ferro-silicon, silico manganese and H.C.Ferro Chrome.	-do-	8 paise in the rupee.
207	Processed salt sold under a brand name in sealed containers, packets, pouches etc.	-do-	4 paise in the rupee.
8	All surgical goods including appliances and apparatus whether made of plastic or rubber including gloves, apparels, caps, adhesive plaster, dressing, gypsona, plaster of paris and bandages, velcro pop bandages, surgical cotton, IV needles, butterfly needles, urosacks, diagnostic kits, elastro crepe bandages, gauze, lint and similar articles impregnated or coated with pharmaceutical substances put up in forms or packings.	-do-	8 paise in the rupee.
209	Utensils and kitchenware made of stainless steel aluminium, brass, copper but excluding those mentioned elsewhere	-do-	4 paise in the rupee.

210	Maize products including liquid glucose, Maize gluten, Maize gem, Maize husk, sorbitrol and modified starch.	At the point of first sale in the State.	4 paise in the rupee.
211.	Barytes.	-do-	8 paise in the rupee.
212.	Lime.	-do-	8 paise in the rupee.
213.	Explosives.	-do-	8 paise in the rupee.
214.	Industrial filters.	-do-	8 paise in the rupee.
215.	Hydrogen peroxide.	-do-	8 paise in the rupee.
216.	Magnets.	-do-	8 paise in the rupee.
217.	Pulp.	-do-	8 paise in the rupee.
218.	ROC Sleepers.	-do-	8 paise in the rupee.
219.	Refractory bricks and tiles.	-do-	8 paise in the rupee.
220.	Silicon carbide.	-do-	8 paise in the rupee.
221.	Sulphur.	-do-	8 paise in the rupee.
222.	Water Chemicals.	-do-	8 paise in the rupee.
223.	Bread.	-do-	4 paise in the rupee.

- | | | | |
|------|--|--|-------------------------|
| 224. | Synthetic Gems. | At the point of first sale in the State. | 12 paise in the rupee. |
| 225. | Stationery articles including exercise note-books, office stationery like writing pads, clips files, pins, staplers, account ledgers and pens and pencils. | -do- | 8 paise in the rupee. |
| 226. | Agricultural implements whether hand operated, animal drawn or power operated including post harvesting instruments and hand tools, sprayers and dusters. | -do- | 4 paise in the rupee. |
| 227. | Modern agricultural implements and machines like drips irrigation systems, sprinkler irrigation systems, power tillers, seed drill, fertiliser drill and harvestors and parts and accessories thereof. | -do- | 4 paise in the rupee. |
| 228. | Renewable energy devices and equipment such as solar, wind and biomass devices including solar photovoltaic cells and parts and accessories thereof. | -do- | 4 paise in the rupees." |

13. In the Second Schedule to the principal Act, -- Amendment of
Second
Schedule.

(i) for item (1) and the entries relating thereto, the following item shall be substituted, namely:-

*1. Manganese including manganese ore and ferro-manganese.	At the point of purchase by the last dealer who buys in the State	4 paise in the rupee."
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(ii) in item 5 in column (2) for the words "in the Co-operative Societies Act of any other State or Union Territory", the words "including the Co-operative Societies Act of any other State or Union Territory" shall be substituted;

(iii) for item 9 and the entries relating thereto, the following item shall be substituted, namely:-

*9. Coriander when purchased within the State.	At the point of first purchase in the State.	4 paise in the rupees."
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14. In the Third Schedule to the principal Act, -- Amendment of
Third
Schedule.

(i) in item 2 in column (2), for the words "pig iron and cast iron including ingot, moulds, and bottom plates" the words "Pig iron, Sponge Iron and Cast iron including ingot moulds and bottom plates" shall be substituted;

(ii) after item 9 and the entries relating thereto, the following item shall be inserted, namely:-

- *9A (a) Untanned hides and skins when obtained from the other States and sold in the same form or in the form of tanned hides and skins. At the point of first sale in the State. 4 paise in the rupee.
- (b) Tanned hides and skins when obtained from other States. At the point of first sale in the State. 4 paise in the rupee.";

(iii) after item 14, and the entries relating thereto the following item shall be inserted, namely:-

- *14-A Green gram and black gram when obtained from outside the State At the point of first sale in the State. 4 paise in the rupee.";

(iv) after item 23, and the entries relating thereto, the following items shall be added, namely:-

- *24. Sugar other than that specified in the Fourth Schedule. At the point of first sale in the State. 4 paise in the rupee.
23. Cotton fabrics, manmade fabrics and woollen fabrics other than those specified in the Fourth Schedule. -do- 4 paise in the rupee."

Amendment of Fourth Schedule 15. In the Fourth Schedule to the principal Act, in item 1, in column (2) for the words "Salt" the words "Salt other than that specified in the First Schedule" shall be substituted.

Amendment of Sixth Schedule 16. In the Sixth Schedule to the principal Act,-

(i) for item 4A and the entries relating thereto, the following item shall be substituted, namely:-

"4A	Furniture, other than wooden furniture,	than	At every point of sale in the State.	12 paise in the rupee.";
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(ii) after item 4A, and the entries relating thereto, the following item shall be inserted, namely:-

"4B	Wooden Furniture-	At every point of sale in the State	8 paise in the rupee.";
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(iii) for item 6 and the entries relating thereto the following item shall be substituted, namely:-

All kinds of Electrical goods instruments, apparatus and appliances other than articles of plastic and those specifically mentioned elsewhere, including,-	At every point of sale in the State.	8 paise in the rupee.";
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(i) wires, holders, plugs, switches, electrical earthenware and porcelainware;

(ii) casings, cappings reapers, bends, junction boxes, meter boxes, switch boxes, meter-boards and switch boards

(iii) lighting bulbs including decorative serial bulbs, torches, fluorescent tubes and other fittings, like chokes and starters and other parts and accessories thereof;

(iv) after item 6, and the entries relating thereto, the following items shall be inserted, namely:-

*6A.	Electrical transformers ACSR conductors and transmission towers.	At every point of sale in the State.	12 paise in the rupee.
6B	Electrical fans, exhaust fans, air circulators, air purifiers, kitchen chimneys and air cur- tains.	At every point of sale in the State.	12 paise in the rupee.
6C.	Washing machines, vaccum cleaners, electrical grinders, including wet- grinders, mixers, blen- ders, hair driers, shavers, heaters, cook- ing-ranges, boilers, ovens, geysors, genera- tors, transformers and parts and accessories thereof.	At every point of sale in the State.	12 paise in the rupee.*;

(v) for item 8 and the entries relating thereto the following item shall be substituted; namely:-

8.	Paints, colours, dry dis- tempers, varnishes and blanks, cellulose, lac- quers, polish pigments, indigo enamels, cement based water paints, oil bound distemper, water pigments, finishes for	At every point of sale in the State.	12 paise in the rupee.;
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leather or plastic emulsion paints, turpentine oil, bale oil, white oil and thinners.

(vi) after Item 8, and the entries relating thereto the following item shall be inserted, namely:-

"8A.	Lithographic, printing and duplicating inks.	At every point of sale in the State.	8 paise in the rupee.";
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(vii) for item 10 and the entries thereto the following item shall be substituted, namely:-

"10.	Articles of stainless steel other than utensils and kitchenware.	At every point of sale in the State.	12 paise in the rupee";
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(viii) in item 11, in column (2), for the word "Timber" the words "Timber and logs cut into sizes such as beams, rafters, and planks" shall be substituted;

(ix) item 11A and the entries relating thereto shall be omitted;

(x) after item 13A, and the entries relating thereto, the following item shall be inserted, namely:-

"13B.	Articles of cast iron including pipes, specials, fittings, covers bends and manhole covers.	At every point of sale in the State.	8 paise in the rupees.";
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(xi) in item 14A, in column (2), for the words "All Hardware of base metal or alloys, other than those mentioned in (A) above" the words "All Hardware of base metal or alloys, and other hardware items like locks, woven wire nettings, mesh, cloth sieves and chainlink of all metals other than those made of stainless steel" shall be substituted;

(xii) for item 16 and the entries relating thereto the following item shall be substituted, namely:-

16.	All kinds of footwear including plastic footwear, sports shoes, shoe polishes of all kinds, polish brushes and shoe horns.	At every point of sale in the State.	8 paise in the rupee."
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(xiii) in item 17, in column (2) the words "laminated sheets" shall be omitted and in column (4) for the expression "15 paise in the rupee" the expression "12 paise in the rupee" shall be substituted;

(xiv) after item 17 and the entries relating thereto, the following item shall be inserted, namely:-

17A.	Laminated sheets of all kinds.	At every point of sale in the State	12 paise in the rupee.";
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(xv) in item 18, in column (2) for sub item (v) the following shall be substituted, namely:-

"(v) Other Glass-ware including Tableware but excluding bottles.";

(xvi) in item 23, in column (2), for the words "All kinds of gases whether in compressed, liquified or solidified or in any other form" the words "All kinds of gases whether in compressed, liquified or solidified or in any other form other than industrial gases" shall be substituted.

17. In the Seventh Schedule to the Amendment principal Act, in item 1, in column (4) of the for the expression "10 paise in the Seventh rupee" the expression "12 paise in the Schedule rupee" shall be substituted.

18. The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1999 is hereby repealed. Ordinance 10 of 1999.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In the conference of State Chief Ministers and Finance Ministers held on 16-11-1999 at New Delhi, consensus has been reached to adopt uniform floor rates i.e. 0, 4, 8 and 12 and two special rates i.e. 1% and 2% of sales tax by all the States with effect from 1st January, 2000. This will end the rate war amongst the States and the Union Territories. It was also suggested that the States should bring uniform floor rates into effect through an Ordinance wherever necessary.

The Standing Committee of State Finance Ministers to monitor sales tax reforms met on 20-12-1999 at New Delhi and suggested for a deterrent action against any State not falling in line with the unanimous decision of the Committee it suggested that non-compliance with the floor rates should be treated as a negative revenue measure.

Therefore, in order to implement the rate of tax on the commodities to be in tune with the floor rates suggested by the Committee of the Chief Ministers and the Finance Ministers the Government of Andhra Pradesh have decided to amend the provisions of the Andhra Pradesh General Sales Tax Act, 1957, suitably.

As the Legislative Assembly of the State was not then in Session having been prorogued and as it has been decided to give effect to the above decision immediately, the Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1999 (A.P. Ordinance No. 10 of 1999) has been promulgated by the Governor on the 31st December, 1999.

Further, it is also decided to amend sections 21(1)(bbb), 12, 13C, 14E and 16(3) of the Act for expanding the definition of 'business' and for issuing separate identifiable Registration Certificates to retail dealers and to make them eligible for 'deemed assessment' scheme irrespective of their turnovers and to levy graded penalty for the offence of non-issue

of sale bills and to levy interest for delayed payments over more than one year.

This Bill seeks to replace the said Ordinance and to give effect to the above decision.

J. LAKSHMI PADMAVATHI,
Minister for Commercial Taxes.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 27th April, 2001 and the said assent is hereby first published on the 30th April, 2001 in the Andhra Pradesh Gazette for general information.

ACT No. 30 OF 2001.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH GENERAL SALES TAX ACT 1957.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 2001.

Short
title
and
Commence-
ment.

(2) (a) Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 shall come into force with effect from 1st April, 2001.

(b) Clause (iv) of section 11 shall be deemed to have come into force with effect from 14th August, 2000.

(c) Clause (vii) of section 11 shall be deemed to have come into force with effect from 17th August, 2000.

(d) Clause (viii) (a) of section 11 shall be deemed to have come into force with effect from 6th October, 2000.

(e) Clauses (i), (iii) and (vi) of section 11 shall be deemed to have come into force with effect from 1st November, 2000.

(f) Clauses (ii) and (viii) (b) of section 11 and clause (i) of section 12 and Section 13 shall be deemed to have come into force with effect from 15th November, 2000.

(g) Clause (ii) of section 12 shall be deemed to have come into force with effect from 1st December, 2000.

(h) Clause (v) of section 11 shall be deemed to have come into force with effect from 18th January, 2001.

Amendment
of Section 2
Act. No. VI
of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (herein-after referred to as the Principal Act) in section 2, in sub-section (1) in clause (s), after sub-clause (iii), the following shall be inserted, namely:-

"(iv) Where a dealer being a registered trade mark holder or registered trade mark user so arranges that not less than three fourths of his sales of goods with

such trade mark in the State are through a related person, the price at which the related person sells such goods in the State shall be deemed to be the consideration received by the dealer.

EXPLANATION:- For the purpose of this sub-clause, "related person" means a person who is so associated with the dealer that they have interest, directly or indirectly, in the business of each other and including a holding company, subsidiary company, a relative and a distributor of the dealer and any sub-distributor of such distributor.

In this sub-clause, holding company and subsidiary company and relative have the same meaning as in the Indian Companies Act, 1956. Central Act 1 of 1956.

3. In section 3, of the Principal Act, in sub-section (1), for the words "or an officer of the Income Tax Department not below the rank of an Assistant Commissioner", the words, "or an officer not below the rank of a Deputy Commissioner of Central Excise Department or Income Tax Department" shall be substituted. Amendment of section 3.

4. In section 7 of the Principal Act, for the explanation, the following shall be substituted, namely:- Amendment of section 7.

"EXPLANATION:- The provision contained in sub-section (3) of section 5 of the Central Sales Tax Act, 1956 shall apply for the purpose of clause (b); Central Act 74 of 1956.

Amendment of section 12. 5. In section 12 of the Principal Act,-

(i) in sub-section (6), for the words "one hundred rupees", the words, "five hundred rupees" shall be substituted.

(ii) in sub-section (9), for the words, "twenty rupees", the words, "one hundred rupees" shall be substituted.

Amendment of section 14. 6. In section 14 of the Principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-

"Provided further that the period for assessments under this sub-section shall be two years for the assessments relating to the year 1999-2000 and one year for the assessments relating to 2001-2002".

Amendment of section 14-B. 7. In section 14-B of the Principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(1-A) While making the assessments under sub-section (1) above, the assessing authority shall adopt the highest value of the goods disclosed by the dealer to various statutory bodies or departments etc."

8. In section 14-E of the Principal Act, in sub-section (1), for the words "within sixty days", the words, "within ninety days" shall be substituted.

Amendment
of Section
14-E.

9. In section 29 of the Principal Act, after sub-section (6A), the following sub-section shall be inserted, namely:-

Amendment
of section 29

"(6B) Any such officer shall have power to seize and confiscate any goods where such goods are carried in the goods vehicle without any documents or covered by fictitious documents.

Provided that before taking action for the confiscation of goods under this sub-section, the officer shall give the person affected an opportunity of being heard".

10. Section 29-A of the Principal Act, shall be numbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following shall be added namely:-

Amendment of
Section 29-A.

"(2) Any such officer shall have power to seize and confiscate any goods which are found in any office shop, godown, vehicle, vessel or any other place of business or any building or place of a carrier or a bailee for transmission where such goods are not covered by any documents or covered by fictitious documents.

Provided that before taking action for the confiscation of goods under this sub-section, the officer shall give the person affected an opportunity of being heard".

Amendment of 11. In the First Schedule to the
First Schedule. Principal Act,--

(i) after item 24-E and the entries relating thereto, the following item shall be added, namely:-

"24-F	At the point	8 paise in
Sledge Oil,	of first	the rupee."
Acid Oil and	sale in the	
Fatty Acid	State	

(ii) in item 32, in column (2), the words, "and 'chips", shall be omitted;

(iii) in item 98, in column (4), for the expression "12 paise in the rupee", the expression, "16 paise in the rupee" shall be substituted.

(iv) in item 167, in column (2), for the words, "Sago and starch obtained from Tapioca", the words, "Sago, Tapioca Tippi, Tapioca Slurry, Liquid glucose, Starch, Dextrin and other modified starches obtained from Tapioca" shall be substituted;

(v) in item 182, in column (2), after the word, "ginger" the word "asafoetida", shall be inserted;

(vi) in item 193, in column (2) for the words, "Residual Petroleum products like LSHS and Aromex", the words, "All kinds of Residual Petroleum products other than those mentioned elsewhere, but including Special boiling spirit, shell mineral, Turpentine Oil, Industrial Chemicals, LSHS and Aromex", shall be substituted;

(vii) in item 226, in column (2) after the words, "sprayers and dusters", the words, "and parts and accessories thereof" shall be added;

(viii) after item 228, and the entries relating thereto, the following items shall be added, namely:-

- | | | |
|--------------------------------|--|------------------------|
| (a) 229. Groundnut Husk | At the point of first sale in the state | 4 paise in the rupee.; |
| (b) 230. Stone Chips and sand. | At the point of first sale in the State. | 8 paise in the rupee". |

12. In the Third Schedule to the Principal Act, - Amendment of
Thrd Schedule

(i) in item 2A, in column (3), for the words, "When purchased by a steel re-roller or electric Arc furnace or Electric furnace-cum-re-roller or induction furnace-cum-re-roller or induction furnace, or mini-steel plant-cum-re-roller in the State at the point of purchase

by said dealers and in all other cases at the point of purchase by the last dealer who buys in the State", the words, "At the point of first sale in the State", shall be substituted.

(ii) in item 5, in column (3) for the words, "At the point of last purchase in the State", the words "At the point of first purchase in the State", shall be substituted.

Amendment of
Sixth Schedule.

13. In the Sixth Schedule to the Principal Act,-

(i) in Item 6,-

(a) in Sub-item (ii), after the words "switchboards;", the words, "and parts and accessories thereof", shall be added;

(b) Sub-item (iii) shall be omitted;

(ii) item 6B, and the entries relating thereto, shall be numbered as Sub-item (i) of that Item and after Sub-item (i) as so re-numbered the following shall be added, namely:-

“(ii) Lighting bulbs including decorative serial bulbs, torches,	At every point of sale in the State	12 paise in the rupee.”
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fluorescent tubes and other fittings, like chokes and starters and parts and accessories thereof.

(iii) in item 8, in column (4), for the expression, "12 paise in the rupee", the expression, "15 paise in the rupee" shall be substituted;

(iv) in item 17, in column (4), for the expression "12 paise in the rupee", the expression, "15 paise in the rupee" shall be substituted.

G. TRINADHA RAO,
Secretary to Government (i/c),
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

It is noticed that certain dealers are avoiding payment of tax on actual turnovers by arranging sales through their sister concerns. Tax is being paid at the point of first sale on a very low turnover of goods and the same are sold at a higher price at the second and subsequent stages by their sister concerns and exemption is claimed on that turnover. In order to plug such leakage of revenue it is proposed to modify the definition of 'turnover'.

Similarly, certain dealers are disclosing different turnovers to different departments/agencies to suit their convenience. It is, therefore, proposed to adopt the highest value of the goods disclosed by the dealer to various statutory bodies or departments for the purpose of levy of tax. The fee for Registration was fixed more than a decade ago as Rs.100/-. It is now proposed to be increased to Rs. 500/-. The time limit for finalising the assessments under the Act is proposed to be reduced so that the pendency of assessments is pegged at the barest minimum. The power to seize and confiscate the unaccounted goods is presently limited to those available in office, shop, godowns etc., only in transit which are accompanied by valid documents. It is proposed to plug the leakage of revenue by making suitable amendments are proposed for effective implementation of the provisions of the Act

Basing on the information gathered from the market and on the requests made by the traders associations, the rate of tax on certain commodities and the stages of levy are also sought to be modified.

To achieve the above objects and to streamline the procedures and to plug leakage of revenue, Government have decided to amend the Provisions of the Andhra Pradesh General Sales Tax Act, 1957 suitably.

This Bill seeks to give effect to the above decision.

J. LAKSHMI PADMAVATHI,
Minister for Commercial Taxes.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 25th January, 2002 and the said assent is hereby first published on the 29th January, 2002 in the Andhra Pradesh Gazette for general information :-

ACT No. 3 OF 2002.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH GENERAL SALES TAX ACT, 1957.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of Republic of India as follows :-

Short title and
Commence-
ment.

1. (1) This Act may be called the Andhra Pradesh General Sales Tax (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect on and from the 30th November, 2001.

Amendment of
section 5-A,
Act VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957 (hereinafter referred to as the Principal Act), in section 5-A,-

(1) in sub-section (1),-

(a) for the words "one paise in every rupee of turnover of a dealer," the words "one paise on every rupee of turnover of a dealer, other than the dealers mentioned in sub-section (1-A)", shall be substituted;

(b) in the first proviso, for the words "specified in the first schedule", the words "specified in the first schedule, except petrol, diesel oil, aviation turbine fuel, engine oils, lubricating oils, greases, brake fluids, furnace oil and all kinds of motor vehicles", shall be substituted;

(2) after sub-section (1), the following sub-sections shall be inserted namely,-

“(1-A) Every dealer shall in addition to the tax payable under sections 5, 5-AA and 6-C of the Act, pay for each year a Turnover Tax on his turnover liable to tax,-

(a) at the rate of two paise on every rupee in respect of petrol, Diesel Oil, Aviation Turbine Fuel, Engine Oils, Lubricating Oils, greases, Brake Fluids, Furnance Oil; and

(b) one paise on every rupee in respect of all kinds of Motor Vehicles mentioned in item 1 in the First Schedule to the Act.

(1-B) Notwithstanding anything contained in this Act, no dealer referred to in sub-section (1-A) shall be entitled to collect the turn over tax payable under the said sub-section from his purchasers.

(1-C) If any dealer collects any amount by way of turnover tax or purporting to be by way of turnover tax in contravention of the provision of sub-section (1-B), the assessing authority shall, after giving such dealer, a reasonable opportunity of being heard, by order in writing impose upon him by way of penalty, an amount equivalent to such turnover tax collected.”

Amendment of
section 14..

3. In section 14 of the principal Act, after sub-section (1-A), the following sub-section shall be inserted, namely:-

“(1-B) Every dealer whose turnover is not less than rupees forty lakhs in a year, shall, within such time as may be prescribed, furnish a certificate of audit along with the other statements as may be prescribed duly certified by a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949; and if any dealer who fails to furnish the same shall be liable for penalty of rupees one lakh or an amount equivalent to one-half percent of the total turn over relating to the relevant assessment year whichever is less :

Central Act 38
of 1949.

Provided that before levying such penalty, the assessing authority shall give the dealer a reasonable opportunity of being heard."

4. In section 14-E of the Principal Act, in sub-section (1), for the words, "ten lakhs", the words "twenty lakhs" shall be substituted. Amendment of section 14-E.

5. In section 16 of the Principal Act, in sub-section (2), after clause (b), the following proviso shall be added; namely :- Amendment of section 16.

"Provided that as a measure to revive the sick industries, interest at the rate of ten percent per annum only shall be levied against the amount of sales tax deferred as per the revival package."

6. In section 19 of the principal Act, in sub-section (1), for the second proviso, the following shall be substituted, namely :- Amendment of section 19.

"Provided further that an appeal so preferred shall not be admitted by the appellate authority concerned unless the dealer produces proof of payment of tax admitted to be due, or of such instalments as have been granted, and the proof of payment of twelve and half percent of the difference of the tax assessed by the assessing authority and the tax admitted by the appellant, for the relevant assessment year, in respect of which the appeal is preferred."

7. In section 21 of the principal Act, after sub-section (2), the following provisos shall be added; namely :- Amendment of section 21.

"Provided that no appeal against the order passed under section 19 shall be admitted under sub-section (1) or sub-section (2), unless it is accompanied by satisfactory proof of the payment of fifty percent of the tax as ordered by the appellate Deputy Commissioner under section 19 :

Provided further that no appeal against the order passed under sub-section (2) of section 20 shall be admitted under

sub-section (1) or sub-section (2), unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due or in such instalments thereof as might have become payable as the case may be, and twenty five percent of the difference of the tax ordered by the revisional authority under sub-section (2) of section 20 and the tax admitted by the appellant :

Provided also that the assessing authority shall refund the said amount of twelve and half percent or twenty five percent or fifty percent of the difference of tax assessed by the assessing authority or revisional authority as the case may be and the tax admitted and paid by the appellant, with simple interest calculated at the rate of 18% per annum if the refund is not made within 60 days from the date of receipt of the order passed under section 19 or section 21."

Amendment
to First
Schedule.

8. In the First Schedule to the principal Act, in item 202, in column (2), for the words "Excise Act", the words "Excise Act including imported liquor", shall be substituted.

Amendment
to Third
Schedule.

9. In the Third Schedule to the principal Act,—

(i) in item 5, in column (3), for the words "At the point of first purchase in the State", the words "At the point of last purchase in the State", shall be substituted;

(ii) after item 25, and the entries relating thereto the following item shall be added, namely :—

"26. Aviation Turbine	At the point	4 paise
Fuel sold to Turbo	of first sale	in the
Prop aircraft.	in the State.	rupee."

Amendment
to Fourth
Schedule.

10. In the Fourth Schedule to the principal Act, for item 12, and the entries relating thereto the following item shall be substituted, namely :—

"12, Water sold in bulk excluding purified water sold in sealed containers."

11. In the Sixth Schedule to the principal Act, in item 6C, in column (2), for the words "and accessories thereof", the words "and accessories thereof whether operated on the principle of electronics or not" shall be substituted.

Amendment
to Sixth
Schedule.

12. The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 2001 is hereby repealed.

Repeal of
Ordinance 9 of
2001.

K.G. SHANKER,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

It is the constant endeavour of the department to plug the loopholes so that the revenues of the state are protected. To achieve the above object, study teams were sent to neighbouring states and basing on their reports certain amendments to the provisions of the Andhra Pradesh General Sales Tax Act, 1957 are proposed.

As an additional revenue measure it has been decided to accept the proposal of the Commissioner of Commercial Taxes, to levy Turnover Tax on the first sales of Petroleum products at 2% and on Motor Vehicles at 1% with a condition that the additional tax levied should not be passed on to the consumer as is being done in Tamilnadu Stte. Accordingly an amendment to section 5-A of the APGST Act, 1957 is proposed.

In order to discourage dealers to file appeals on flimsy grounds and obtain stay of collections of taxes due, it is proposed to impose a condition of payment of certain percentage of tax before the appeals are admitted ~~wore~~ various appellate forums.

As the deemed assessment scheme for the dealer ^{whose} turnover is less than Rs. 10.00 lakhs per annum ^{working} out smoothly, it is now proposed to extend the ^{scope to the} dealers whose turnover is less than Rs. 20.00 ^{lacs also.} This amendment will speed up the ^{assessment work} substantially, and the arrear assessment work ^{would} ^{be} ^{done} ^{down} substantially.

A decision has been taken in the 321 ^{me of} S.I.P.B. held on 20-8-2001 to charge only 3% ^{inst or} the deferred payment of sales tax as a measure ^{of relief of} sick industry and an amendment has to be ^{made} ^{to} Section 16 (2) (b) of the Andhra Pradesh General Sales Tax Act, 1957.

It is also proposed to amend certain entries in the first, Third, Fourth and Sixth Schedules to the Andhra Pradesh General Sales Tax Act, 1957 to streamline the procedure and augment the revenues of the State. The entry relating to Washing machines in the sixth Schedule was modified suitably, keeping in view the judgement of Hon'ble Supreme Court. In order to clear any ambiguity, imported liquor is also now proposed to be taxed at the rate of 70% alongwith Indian made foreign liquor. Taking into consideration the representations made by the Copra merchants the point of levy has been changed from first purchase to last purchase. Orders were already issued amending the above entries, but they are now included in the draft Bill as required under section 42 of the Andhra Pradesh General Sales Tax Act, 1957.

In view of the above facts and to protect State revenues the proposal of the Commissioner of Commercial Taxes, to issue an Ordinance to levy Turnover Tax of Petrol, Diesel and Motor Vehicles etc. has been accepted and as the Legislative Assembly of the State was not then in Session having been prorogued, the "Andhra Pradesh General Sales Tax (amendment) Ordinance, 2001 (AP Ordinance No. 9 of 2001)" has been promulgated by the Governor on the 30th November 2001 and published it on the same date.

The Bill seeks to give effect to the above decision.

K. VIJAYARAMA RAO,
Minister for Commercial Taxes.

**ANDHRA PRADESH ACTS, ORDINANCES
AND REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 20th April, 2002 and the said assent is hereby first published on the 22nd May, 2002 in the Andhra Pradesh Gazette for general information :-

ACT No. 11 OF 2002.**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH GENERAL SALES TAX ACT, 1957.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-third Year of the Republic of India, as follows :-

Short title

1. This Act may be called the Andhra Pradesh General Sales Tax (Second Amendment) Act, 2002.

Amendment of
Section 14
Act VI of 1957.

2. In the Andhra Pradesh General Sales Tax Act, 1957, in section 14, in Sub-section (1), the second proviso shall be omitted.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),

Law Department.

STATEMENT OF OBJECTS AND REASONS

Assessments under the Andhra Pradesh General Sales Tax Act, 1957 have to be completed within a period of three years from the expiry of the year, to which the assessment relates.

In view of the proposed introduction of VAT with effect from 1-4-2002, a proviso was introduced, further restricting the period of limitation for finalising assessments relating to the year 1999-2000 to two years and to one year for the assessments relating to years 2000-2001 and 2001-2002. As per the national consensus, the introduction of VAT has been postponed by one year.

In order to clear the huge pendency of assessments, it is now proposed to omit the proviso, which restricted the time period so that assessments could be completed within the usual period of three years.

The Bill seeks to achieve the above object.

K. VIJAYARAMA RAO,

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 21st December, 2002 and the said assent is hereby first published on the 23rd December, 2002 in the Andhra Pradesh Gazette for general information.

Act No. 25 of 2002.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH GENERAL SALES TAX ACT, 1957.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty third Year of the Republic of India as follows:-

Short title and
Commence-
ment

1. (1) This Act may be called the Andhra Pradesh General Sales Tax Third Amendment) Act, 2002.

(2) (i) section 2 shall be deemed to have come into force with effect on and from the 1st August, 1996;

(ii) section 6 shall be deemed to have come into force with effect on and from the 12th December, 2001; and

(iii) the remaining provisions shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. In the Andhra Pradesh General Sales Tax Act), 1957 (hereinafter referred to as the principal Act), in section 2, in in sub-section (1), in clause (c), in Explanation IV, for the words "each of the following persons and bodies who sells or dispose of" the words "each of the following persons and bodies whether or not in the course of business who sells or dispose of", shall be substituted.

Amendment of
section 2, Act
VI of 1957.

3. In section 5G of the principal Act, after sub-section (3), the following sub-section shall be added, namely:-

Amendment of
section 5G.

“(4) Nothing contained in sub-section (1) shall apply to a dealer, who purchases or receives goods from outside the State for the purpose of using such goods in the execution of works contract.”

Amendment of section 13C

4. In section 13C of the principal Act, in sub-section (3),-

(i) in clause (a), for the expression “Rs. 250/-”, the expression “Rs. 500/- (rupees five hundred)”, shall be substituted.

(ii) in clause (b), for the expression “Rs. 1,000/-”, the expression “Rs. 3000/- (rupees three thousand)”, shall be substituted.

Amendment of section 16C

5. In section 16C of the principal Act, for the words “any amount of tax, penalty, interest”, the words “any amount of tax Government loan extended to the dealer due to treating deferred tax as deemed to have been paid, penalty, interest”, shall be substituted.

Amendment of First Schedule.

6. In the First Schedule to the principal Act, in item 32, in column (3) for the words “at the point of last sale in the State”, the words “At the point of first sale in the State”, shall be substituted.

Amendment of Third Schedule.

7. In the Third Schedule to the principal Act,--

(i) in item 2, in column (3), for the words “At the point of first sale in the State”, the words “At every point of sale in the State”, shall be substituted;

(ii) in item 2A, in column (3), for the words “At the point of first sale in the State”, the words “At every point of sale in the State”, shall be substituted;

(iii) after Explanation IV, the following Explanation, shall be added; namely;-

“Explanation V:- For the purpose of items 2 and 2Am, tax to be paid at any point of sale other than first point of sale, shall be determined after deducting the tax levied on the turnover of the same goods, at the immediately preceding point of sale”.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

The existing definition of dealer is suitably worded to include all bodies who make any sales or dispose of any goods. As a matter of abundant caution to protect the revenues, it is proposed to amend the definition of dealer with retrospective effect from 1-8-96 so as to include all the Government bodies into taxation net. Hence, it is proposed to amend section 2(1) of the Act.

The contractors cannot be allowed to make any inter-state purchases of goods if they want to come under composition scheme. By putting such restrictions they will have to make local purchases thereby the state's revenues are protected and our tax does not go to other states. Hence, it is proposed to insert a new sub-section under Section 5(G) of the Act, as a similar provision is available in Karnataka Sales Tax Act also.

To curb the tendency of non-issue of sales bills it is proposed to increase the quantum of penalty in sub-section (3) (a) to Rs.500/- and in sub-section (3) (b) to Rs.3000/- by amending Section 13-C of the Act.

The Sales Tax dues deferred under the deferral scheme would be treated as deemed to have been paid and in the said amount is also treated as interest free Government loan. Under the Section 16-C of the Act, first charge on the property of the dealer is not created in respect of the said loan and that in the interest of the revenue, it is desirable to include the same to avoid ambiguity and possible litigation. Hence, it is proposed to amend the Section 16-C of the Act, so that the Government dues are protected.

Orders were issued, amending column (3) against item 32 in the First Schedule to the Act relating to 'Bricks etc.' changing the point of levy from 'last sale' to 'first sale' to provision of tax.

In order of levy tax on declared goods i.e. on Iron & Steel and scrap (Items 2 and 2A of III Schedule) with set off of tax at more than one stage, it is proposed to amend the entries in the Third Schedule.

The Bill seeks to achieve the above object.

K. VIJAYARAMA RAO,
Minister for Commercial Taxes.