



The Tamil Nadu Local Authorities Entertainments Tax Act, 2017

Act 20 of 2017

Keyword(s):

Admission, Amusement, Antenna, Cable Television

Amendment appended: 5 of 2018

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 28th June 2017 and is hereby published for general information:—

ACT No. 20 of 2017.

An Act to provide for levy of tax on Entertainments by the local authorities in the State of Tamil Nadu.

BE MA it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Local Authorities Entertainments Tax Act, 2017.

(2) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Definitions

2. In this Act, unless the context otherwise requires,—

(1) “admission” includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment;

(2) “admission to an entertainment” includes admission to any place in which an entertainment is held;

(3) “amusement” means any amusement, for which persons are required to make payment for admission to any amusement arcade or amusement park or theme park or the like by whatever name called;

(4) “antenna” means an apparatus which receives television signals which enables viewers to tune into transmissions including national or international satellite transmissions and is erected or installed for television exhibition;

(5) “cable television” means a system organized for television exhibition by using a video cassette or disc or both, recorder or player or similar such apparatus on which pre-recorded video cassettes or discs or both are played or replayed and the films or moving pictures or series of pictures which are viewed and heard on the television receiving set at a residential or non-residential place of a connection holder;

(6) “complimentary ticket” means a ticket or pass for admission to an entertainment free of any payment or at a reduced rate of payment for such admission.

Explanation.— For the purposes of this clause and clause (18) “pass” shall not include any authorization given by the proprietor to a person who has to perform any duty inside any place of entertainment, or in connection with any entertainment or any duty imposed upon him by or under this Act or any other law, for admission to any entertainment without payment;

(7) “direct to home service” means exhibition of any performance, film or any other programme telecast through satellite signals to subscribers without passing through an intermediary such as cable operator;

(8) “entertainment” means a horse-race or cinematograph exhibition to which persons are admitted on payment or television exhibition for which persons are required to make payment by way of contribution, or subscription, or installation or connection charges or any other charges collected in any manner whatsoever or an amusement or a recreation parlour where a game such as bowling, billiards, snooker or the like is provided or direct to home service or a cricket tournament like the Indian Premier League or the Champions League Twenty 20 cricket tournament conducted by the Board of Control for Cricket in India or any other sports tournament conducted by any person or body of persons for which persons are required to make payment for admission.

Explanation.—For the purposes of this clause and other provisions of this Act, “cinematograph exhibition” includes exhibition of film on Television Screen through Video Cassette Recorder and through Cable Television Network;

(9) “Government” means the State Government;

(10) “institution” includes a company, society, club or other association of persons by whatever name called;

(11) “local authority” means,—

(a) a municipal corporation established under any law for the time being in force;

(b) a municipality or town panchayat constituted under the Tamil Nadu District Municipalities Act, 1920; or

(c) a village panchayat constituted under the Tamil Nadu Panchayats Act, 1994, in whose jurisdiction the entertainment is provided;

(12) “new film” means a film of not more than ten years old;

Explanation.— For the purposes of this clause and clause (13), the ten years period shall be calculated from the date of issue of certificate for the film for the first time under the Cinematograph Act, 1952;

(13) “old film” means a film of more than ten years old;

(14) “payment for admission” includes,—

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher tax is required;

(ii) any payment for seats or other accommodation in a place of entertainment;

(iii) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment; and

(iv) any payment deemed to have been made under section 4 in respect of any taxable complimentary ticket,

but shall not include such maintenance charge which the licensee of cinematograph exhibition is permitted to collect, by order of the local authority, from time to time, under the Tamil Nadu Cinemas (Regulation) Act, 1955 and collected by the said licensee:

Provided that such maintenance charge shall be printed on the tickets;

(15) “prescribed” means prescribed in the by-laws made by the local authority or the rules made by the Government;

(16) “proprietor”, in relation to any entertainment, means a licensee of cinematograph exhibition under the Tamil Nadu Cinemas (Regulation) Act, 1955 or the licensee of an exhibition of cinematograph film on Television Screen through Video Cassette Recorder or through Cable Television Network under the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984 or any person providing amusement or any person providing recreation parlour or any person providing direct to home service or any person organising Indian Premier League or the Board of Control for Cricket in India or any person or body of persons conducting other tournaments and includes the Government, any local authority or any person responsible for the management thereof;

Tamil Nadu
Act V of
1920.

Tamil Nadu
Act 21 of
1994.

Central Act
XXXVII of
1952.

Tamil Nadu
Act IX of
1955.

Tamil Nadu
Act IX of
1955.

Tamil Nadu
Act 7 of
1984.

(17) "recreation parlour" means any place where a game such as bowling, billiards, snooker or the like by whatever name called is provided, for which persons are required to make payment for admission or participation;

(18) "taxable complimentary ticket" means any complimentary ticket issued in excess of ten complimentary tickets or two per cent of the seating capacity of the place of entertainment, whichever is less,—

- (a) for each entertainment, in the case of single ticket or pass; or
- (b) for each season, in the case of season ticket or pass:

Provided that in the case of a cricket tournament or other tournaments any complimentary ticket issued in excess of two per cent of the seating capacity of the stadium shall be taxable.

Explanation.— For the purpose of determining the taxable complimentary ticket under this clause, any fraction of a ticket shall be regarded as one ticket;

(19) "television exhibition" means an exhibition with the aid of any type of antenna with a cable network attached to it, or cable television of a film or moving picture or series of moving pictures, by means of transmission of television signals by wire where subscribers' television sets at residential or non-residential place are linked by metallic coaxial cable or optic fibre cable to a central system called the head-end;

(20) "year" means the financial year.

Tax on
entertainments

3. (1) There shall be levied and paid to the local authority concerned a tax (hereinafter referred to as the entertainments tax) on the following entertainments, namely:—

- (a) cinematograph exhibition in the theatres;
- (b) horse-race;
- (c) cinematograph film exhibited on television, screen through Video Cassette Recorder or through Cable Television Network;
- (d) television exhibition;
- (e) amusements;
- (f) recreation parlour;
- (g) entertainments provided by direct to home service;
- (h) cricket tournament or any other tournament.

(2) The entertainments tax on cinematograph exhibition shall be calculated at the following rates, namely:—

(a) on each payment for admission to any cinematograph exhibition in the theatres located,—

(i) within the limits of the Municipal Corporations, Municipalities, Special Grade and in the theatres, whether permanent or semi-permanent, within five kilometers from the outer peripheral limits of such areas of the Municipal Corporations and Municipalities, Special Grade,—

(A) at the rate of thirty per cent of the gross payment for admission inclusive of the amount of the tax for new film; and

(B) at the rate of twenty per cent of the gross payment for admission inclusive of the amount of the tax for old film;

(ii) in the areas other than those specified in sub-clause (i), at the rate of twenty per cent of the gross payment for admission inclusive of the amount of the tax for new or old film.

Explanation I.— For the purposes of this clause, “Municipal Corporations” means the Municipal Corporations of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Tiruppur, Erode, Vellore, Thoothukudi, Thanjavur and Dindigul or any other Municipal Corporation that may be constituted under any law for the time being in force.

Explanation II.— For the purposes of this clause, “Municipality, Special Grade” means a municipality classified as Municipality, Special Grade under the Tamil Nadu District Municipalities Act, 1920.

Tamil Nadu
Act V of
1920.

(3) The entertainments tax on each payment for admission to any horse-race shall be collected at the following rates, namely:—

Where such payment (Inclusive of the amount of Tax)—	Rate of Tax.
(i) is not more than thirty paise;	One-fourth of each payment.
(ii) is more than thirty paise but is not more than one rupee and fifty paise;	One-third of such payment.
(iii) is more than one rupee and fifty paise.	Two-fifth of such payment.

(4) The entertainments tax on cinematograph film exhibited on Television Screen through Video Cassette Recorder, or through Cable Television Network shall be calculated on each payment for admission at the following rates, namely:—

(a) at the rate of fifty per cent of the gross payment for admission inclusive of the amount of tax for old film; and

(b) at the rate of sixty per cent of the gross payment for admission inclusive of the amount of tax for new film.

(5) The entertainments tax on television exhibition shall be collected at the following rates, namely:—

(a) within the limits of the Municipal Corporations of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Tiruppur, Erode, Vellore, Thoothukudi, Thanjavur and Dindigul or any other Corporation that may be constituted under any law for the time being in force.	six thousand rupees per month.
(b) within the limits of the Municipalities constituted under the Tamil Nadu District Municipalities Act, 1920.	three thousand rupees per month.
(c) within the limits of Town Panchayats constituted under the Tamil Nadu District Municipalities Act, 1920.	one thousand and five hundred rupees per month.
(d) within the limits of Village Panchayats constituted under the Tamil Nadu Panchayats Act, 1994.	one thousand rupees per month.

Tamil Nadu
Act V of
1920.

Tamil Nadu
Act V of
1920.

Tamil Nadu
Act 21 of
1994.

(6) The entertainments tax on amusement shall be calculated at the rate of ten per cent on each payment for admission to an amusement.

(7) The entertainments tax on recreation parlour shall be calculated at the rate of twenty per cent on each payment to the recreation parlour.

(8) The entertainments tax on direct to home service for exhibition of any performance, film or any other programme telecast through satellite signals shall be calculated at the rate of thirty per cent of the gross charges excluding the service tax received by the provider of a direct to home service.

(9) The entertainments tax on any cricket tournament conducted by the Indian Premier League or the Champions League Twenty 20 cricket tournament conducted by the Board of Control for Cricket in India any person or body of persons conducting other tournament shall be calculated at the rate of twenty five per cent of the gross payment for admission inclusive of the amount of tax.

Tax on complimentary ticket.

4. There shall be levied and paid to the local authority entertainments tax on every taxable complimentary ticket at the appropriate rate as applicable for admission to the entertainment for which it has been issued as if full payment has been made for admission to the entertainment according to the class of seat or accommodation which the holder of such taxable complimentary ticket is entitled to occupy or use; and for the purposes of this Act and the Tamil Nadu Local Authorities Finance Act, 1961, the holder of such taxable complimentary ticket shall be deemed to have been admitted on payment.

Additional surcharge on tax on payment for admission to horse-race.

5. (1) On each payment inclusive of the amount of the entertainments tax and of the amount of surcharge on entertainments tax levied under sub-section (1) of section 3 of the Tamil Nadu Local Authorities Finance Act, 1961, for admission to any horse-race, there shall be levied and paid to the local authority an additional surcharge of—

(a) fifty paise, where such payment does not exceed five rupees; and

(b) one rupee, where such payment exceeds five rupees.

(2) The provisions of this Act shall, so far as may be, apply in relation to the additional surcharge payable under this section, as they apply in relation to the entertainments tax payable under this Act.

Admission to entertainments.

6. (1) Save as otherwise provided in this Act, no person other than a person who has to perform any duty inside any place of entertainment, or in connection with any entertainment or any duty imposed upon him by or under this Act or any other law, shall be admitted to any entertainment except,—

(a) with a ticket issued in such manner and subject to such conditions as may be prescribed; or

(b) in special cases, with the approval of the local authority, through a barrier which, or by means of a mechanical contrivance which, automatically, registers the number of persons admitted.

(2) Save in the case referred to in clause (b) of sub-section (1), no proprietor of an entertainment shall conduct the entertainment unless he has given security upto an amount and in a manner approved by the local authority for the payment of the entertainment tax and the additional surcharge on tax on payment for admission to horse-race.

(3) Nothing in sub-section (1) or sub-section (2) shall be deemed to preclude the local authority from requiring security from the proprietor of an entertainment for the payment of the entertainments tax and the additional surcharge on tax on payment for admission to horse-race.

Manner of payment of tax.

7. (1) The entertainments tax shall be levied in respect of each person admitted or deemed to have been admitted on payment, and shall be calculated and paid on the number of admissions.

(2) The entertainments tax shall be due and be recoverable from the proprietor.

(3) Where the payment for admission to an entertainment is made wholly or partly by means of a lump sum paid as a subscription or contribution to any institution or for a season ticket or for the right of admission to a series of

Tamil Nadu Act 52 of 1961.

Tamil Nadu Act 52 of 1961.

entertainments or to any entertainment during a certain period of time, the entertainments tax shall be paid on the amount of the lump sum, but where the local authority is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, right or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period during which the tax has not been in operation, the tax shall be levied on such an amount as appears to the local authority to represent the right of admission to entertainment in respect of which the entertainments tax is payable.

8. (1) Every proprietor of an entertainment shall submit such returns relating to payments for admission and all complimentary tickets or relating to collection of amount for television exhibition or for amusement or recreation parlour or direct to home service, as the case may be, to such authority, in such manner and within such periods, as may be prescribed in the by-laws.

Returns.

(2) If the prescribed authority is satisfied that any return submitted under sub-section (1) is correct and complete, it shall assess the proprietor on the basis thereof.

(3) If no return is submitted by the proprietor of the entertainment under sub-section (1) before the date prescribed or if the return submitted by him appears to the prescribed authority to be incorrect or incomplete, the prescribed authority shall, after making such inquiry, as it considers necessary, determine the tax due under section 3 and assess the proprietor to the best of its judgment:

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.

9. (1) Where, for any reason any payment for admission to any entertainment or any amount collected has escaped assessment to tax under section 3, the authority prescribed under sub-section (1) of section 8 may, subject to the provisions of sub-section (3) and at any time within such period as may be prescribed, assess to the best of its judgment the tax due on such payment under section 3, after making such enquiry as it may consider necessary and after giving the proprietor a reasonable opportunity to show cause against such assessment.

Payment for
admission
on escaping
assessment.

(2) Where, for any reason, any payment for admission to any entertainment has been assessed at a rate lower than the rate at which it is assessable under section 3, the authority prescribed under sub-section (1) of section 8 may, subject to the provisions of sub-section (3) and at any time within such period as may be prescribed, reassess the tax due on such payment made under section 3, after making such enquiry as it may consider necessary and after giving the proprietor a reasonable opportunity to show cause against such reassessment.

(3) In making an assessment or reassessment under sub-section (1) or sub-section (2), as the case may be, the authority prescribed under sub-section (1) of section 8 may, if it is satisfied that due to willful misstatement or suppression of facts by the proprietor, the tax has not been levied or has been levied at a rate lower than the rate at which it is leviable, direct the proprietor to pay by way of penalty in addition to the tax assessed or reassessed under sub-section (1) or sub-section (2), as the case may be, a sum which shall be,—

(a) fifty per cent of tax assessed, or reassessed, if the tax paid as per return, falls short of the assessed or reassessed by not more than ten per cent;

(b) one hundred per cent of tax assessed or reassessed, if the tax paid as per return, falls short of the tax assessed or reassessed by more than ten per cent but not more than fifty per cent;

(c) one hundred and fifty per cent of tax assessed or reassessed, if the tax paid as per the return falls short of the tax assessed or reassessed by more than fifty per cent:

Provided that no penalty under this sub-section shall be imposed unless the proprietor affected has had a reasonable opportunity of showing cause against such imposition.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), in making an assessment or re-assessment under sub-section (1) or sub-section (2), as the case may be, the authority prescribed under sub-section (1) of section 8 may pass a single order in respect of a financial year or any part thereof.

(5) The powers under sub-section (1) or sub-section (2) may be exercised by the authority prescribed under sub-section (1) of section 8 eventhough the original order of assessment, if any, passed in the matter has been the subject matter of an appeal.

(6) In computing the period of limitation for assessment or reassessment under this section, the time during which the proceedings for assessment or re-assessment remained stayed under the orders of a Civil Court or other competent authority shall be excluded.

Assessment of legal representatives.

10. Where a proprietor dies, his executor, administrator or other legal representative shall be deemed to be the proprietor for the purpose of this Act and the provisions of this Act shall apply to him in respect of the entertainments conducted by the said deceased proprietor:

Provided that in respect of any tax, penalty or other amount assessed as payable by any such proprietor or any tax or penalty or other amount which would have been payable by him under this Act if he had not died, the executor, administrator or other legal representative shall be liable only to the extent of the assets of the deceased in his charge.

Power to exempt or remit tax.

11. (1) The Government may, on the resolution of council subject to such conditions as they deem fit, by general or special order, exempt any entertainment or class of entertainments from the liability to the entertainments tax payable under this Act.

(2) The Government may, on the resolution of council in such circumstances and subject to such conditions as may be prescribed, by order,—

(i) remit, whether prospectively or retrospectively, the whole or any part of entertainments tax payable under this Act in respect of any entertainment or class of entertainments or by any proprietor or class of proprietors or any person or class of persons liable to pay such tax; and

(ii) cancel or vary such order.

Manner of recovery of tax and priority of arrears of tax over other claims.

12. (1) Any amount due on account of the tax under section 3 may, without prejudice to any other mode of collection, be recovered.

(a) as if it were an arrear of land revenue; or

(b) on application to any Magistrate, by such Magistrate as if it were a fine imposed by him.

(2) Without prejudice to the provisions of sub-section (1), and notwithstanding anything contained in any other law for the time being in force, any tax assessed on, or any other amount due under this Act from, the proprietor shall, subject to the claims of the Government in respect of land revenue, have priority over all other claims against the property of the said proprietor.

Special power of prescribed authority under Revenue Recovery Act.

13. (1) The authority prescribed under sub-section (1) of section 8 shall have the power of a Collector under the Tamil Nadu Revenue Recovery Act, 1864 for the purpose of recovery of any amount due under this Act.

Tamil Nadu Act II of 1864.

(2) Subject to the provisions of sub-section (3), the said authority shall, for the purpose of recovery of any amount due under this Act, have the powers of the Commissioner under the Tamil Nadu Rent and Revenue Sales Act, 1839 for the sale of property distrained for any amount due under this Act.

Tamil Nadu Act VII of 1839.

(3) Notwithstanding anything contained in the Tamil Nadu Rent and Revenue Sales Act, 1839, the said authority in the exercise of the powers conferred by sub-section (2) shall be subject to the control and superintendence of his superior authorities.

Tamil Nadu Act VII of 1839.

14. Any penalty payable under this Act shall be deemed to be tax under this Act, for the purpose of collection and recovery and shall be without prejudice to the institution of any proceeding for an offence under this Act, or for the recovery of the entire amount remaining unpaid under this Act. Recovery of penalty.
15. Where a proprietor is a Hindu undivided family, firm or other association of persons and such family, firm or association is partitioned or dissolved, as the case may be,— Liability to tax of partitioned family, dissolved firm, etc.
- (a) the tax payable under this Act by such family, firm or association of persons for the period upto the date of such partition or dissolution shall be assessed as if no such partition or dissolution had taken place and all the provisions of this Act shall apply accordingly; and
- (b) every person, who was at the time of such partition, or dissolution a member or partner of the Hindu undivided family, firm or association of persons and the legal representative of any such persons who is deceased shall, notwithstanding such partition or dissolution, be jointly and severally liable for the payment of the tax, penalty or other amount payable under this Act by such family, firm or association of persons, whether assessment is made prior to or after such partition or dissolution.
16. If the tax assessed or the tax that has become payable under this Act or any instalment thereof is not paid by any proprietor or any person from whom such tax is due within the time specified thereof in the notice of assessment, the proprietor or the person liable to pay such tax shall pay by way of interest, in addition to the amount due, a sum equal to a sum calculated at the rate of two per cent of such amount for each month or part thereof after the date specified for its payment: Interest for belated payment.
- Provided that if the tax assessed or the tax that has become payable under this Act is less than one hundred rupees, no interest shall be levied for a period of one month after the expiry of the time specified in the notice of assessment:
- Provided further that where a proprietor or a person has preferred an appeal against any order of assessment under this Act, the interest payable under this section, in respect of the amount in dispute in the appeal shall be postponed till the disposal of the appeal and shall be calculated on the amount that becomes due in accordance with the final order passed on the appeal as if such amount had been the subject matter of the appeal.
17. (1) Any officer authorized by the local authorities in this behalf may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, for the purpose of seeing whether the provisions of this Act or any rules made thereunder are being complied with. Inspection.
- (2) The proprietor of every entertainment or the owner or person in charge of any place ordinarily used as a place of entertainment shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).
- (3) If any person prevents or obstructs the entry of the inspecting officer he shall, in addition to any punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.
- Explanation.**—For the purposes of this section and section 21, place of entertainment in relation to television exhibition shall mean the place from where such television exhibition is provided.
18. The officer referred to in section 17 or any other officer who has to enter any place of entertainment in pursuance of a duty imposed upon him by or under this Act or any other law shall not be required to pay for his admission to the entertainment. Exemption from payment for admission.

Powers of entry, search and seizure.

19. (1) If any officer authorized by the local authority in this behalf has reasonable ground to suspect that a contravention of the provision of this Act, the rules or by-laws made thereunder has been committed, he may enter and search at all reasonable times any premises where books, records, accounts, registers, tickets, used and unused, and portions thereof or any other article connected therewith are kept or suspected to be kept by the proprietor of an entertainment, and may, for reasons to be recorded in writing, seize such books, records, accounts, registers, tickets used and unused and portions thereof, or any other article connected therewith as he may consider necessary, and shall give the proprietor or the person in charge of the premises a receipt for the same. The books, records, accounts, registers, tickets and portions thereof, or any other article so seized shall be retained by such officer only for so long as may be necessary for the purpose of investigation.

(2) If any person prevents or obstructs entry, search or seizure by any such officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.

Power to summon witnesses and production of documents.

20. (1) The authority competent to assess tax under this Act or any appellate authority shall, for the purpose of this Act, have all the powers conferred on a Court by the Code of Civil Procedure, 1908 for the purpose of—

(a) summoning and enforcing the attendance of any person and examining him on oath or affirmation; and

(b) compelling the production of any document.

(2) The authority referred to in sub-section (1) shall have powers to call for such information, particulars and records as he may require, from any person, for the purpose of assessment, levy and collection of tax under this Act.

Authorisation of manager or person in charge of any place of entertainment to appear before prescribed authority.

21. Any person who intends to appear before any prescribed authority and any person who is acting as manager or person in charge of any place of entertainment shall be duly authorized by the proprietor, partner or permit holder of the place of entertainment in such form and in such manner as may be prescribed.

Rounding off of tax, etc.

22. The amount of tax, interest, penalty, fine or any other sum payable, and the amount of refund or any other sum due, under the provisions of this Act shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.

Penalties.

23. (1) (a) The proprietor of any entertainment or any person employed by him in any place of entertainment who admits any person to any place of entertainment in contravention of the provisions of section 6; or

(b) the proprietor of any entertainment who—

(i) fraudulently evades the payment of any tax due under this Act; or

(ii) contravenes any of the provisions of this Act;

(c) The proprietor of an entertainment or any person employed by him who collects any amount as price of admission in excess of the amount prescribed by the licensing authority under the provisions of the Tamil Nadu Cinemas (Regulation) Act, 1955 and the rules made thereunder,—

Central Act V of 1908.

Tamil Nadu Act IX of 1955.

shall, on conviction by a Magistrate,—

(i) in respect of each such offence falling under clause (a) or sub-clause (ii) of clause (b) or clause (c), be liable to a fine which may extend to one thousand rupees;

(ii) in respect of an offence falling under sub-clause (i) of clause (b) be punished with imprisonment of either description for a term which may extend to one year and with fine.

Central Act 2
of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence falling under sub-clause (i) of clause (b) of sub-section (1) shall be cognizable.

(3) No Court shall take cognizance of an offence falling under sub-clause (i) of clause (b) of sub-section (1), except upon complaint, in writing, made by an officer authorized in this behalf by the local authority by general or special order.

(4) Where any person is found without a ticket or pass in any place of entertainment, the proprietor of the entertainment or the person employed by him shall be deemed to have admitted which person in contravention of the provisions of section 6 unless the proprietor or the person employed by him proves that the person found without a ticket or pass had entered such place without the knowledge or connivance of the proprietor or the person employed by him.

24. Any person who is found without a ticket or pass in any place of entertainment shall, unless he proves that he was admitted to such place with the knowledge or connivance of the proprietor or any person employed by him, on conviction by a Magistrate, be liable to a fine which may extend to one hundred rupees.

Penalty for
being found
without a
ticket or
pass.

25. Whoever abets the commission of any offence under this Act shall be punished with the punishment provided for the offence.

Penalty for
abettors.

26. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to—

(i) a firm, means a partner in the firm;

(ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

Power to compound offences.

27. The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed of an offence against this Act or the rules made thereunder, by way of composition of such offence—

(a) where the offence of the evasion of any tax payable under this Act, in addition to the tax so payable, a sum of money not exceeding one thousand and five hundred rupees or thrice the amount of the tax payable, whichever is greater; and

(b) in other cases, a sum of money not exceeding one thousand rupees.

Power to rectify any error apparent on the face of record.

28. (1) The authority competent to assess tax under this Act or any appellate authority may, at any time, within three years from the date of any order passed by it, rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment or any penalty shall be made unless such authority has given notice to the proprietor and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment or penalty, the authority competent to assess tax under this Act shall make any refund which may be due to the proprietor.

(3) Where any such rectification has the effect of enhancing an assessment or penalty, the authority competent to assess tax under this Act shall give the proprietor a revised notice of assessment or penalty and, thereupon, the provisions of this Act and the rules made thereunder shall apply as if such notice has been given in the first instance.

Appeal.

29. Any proprietor or person aggrieved by any order or decision of the local authority in relation to the payment of tax (including penalty, fee and interest) may, within such time as may be prescribed, appeal to,—

(i) the Taxation Appeals Tribunal, if he is aggrieved by the order or decision of the Municipal Corporations;

(ii) the Taxation Appeals Committee, if he is aggrieved by the order or decision of the Municipalities and Town Panchayat; or

(iii) the executive authority appointed under section 83 of the Tamil Nadu Panchayats Act, 1994, if he is aggrieved by the order or decision of village panchayat.

Tamil Nadu
Act 21 of
1994.

Persons deemed to be public servants.

30. All persons discharging functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of 1860.

Protection of action taken in good faith.

31. No suit, prosecution or other legal proceedings shall lie against any officer appointed or authorised under this Act for anything which is done or intended to be done in good faith under this Act, the rules or by-laws made thereunder.

Power to remove difficulties.

32. (1) If any difficulty arises in giving effect to any provisions of this Act, the Government may, by a general or a special order publish in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the Legislative Assembly.

Power to make rules.

33. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(3) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or the Legislative Assembly decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

34. (1) The local authority may make by-laws not inconsistent with this Act and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

Power to make
by laws.

(2) In particular and without prejudice to the generality of the foregoing power, such by-law may provide—

(a) for the use of tickets covering the admission and the calculation of the tax thereon; and for the payment of the tax on the transfer from one part of a place of entertainment to another, and on payments for seats or other accommodation;

(b) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances;

(c) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments;

(d) for the presentation and disposal of application for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Act;

(e) for the collection of the entertainments tax under this Act and the powers to be exercised by the prescribed authority ;

(f) for authorizing any person to collect the entertainments tax in the area within the jurisdiction of the local authority or any part of such area, and for the powers to be exercised by the officers of the local authority in connection with such collection;

(g) for the issue of passes by proprietors of entertainments for the admission of persons who have to perform any duty inside any place of entertainment, or in connection with any entertainment, or any duty imposed upon them by or under this Act or any other law;

(h) for appeals in respect of proceedings under this Act, the period within which such appeals should be preferred and the fees to be paid, in respect of such appeals.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government-in-charge,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018, and is hereby published for general information:—

ACT No. 5 OF 2018.

An Act to amend the Tamil Nadu Local Authorities Entertainments Tax Act, 2017.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Local Authorities Entertainments Tax (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 26th day of September 2017.

Amendment of section 3.

2. In Section 3 of the Tamil Nadu Local Authorities Entertainments Tax Act, 2017 (hereinafter referred to as the principal Act), for sub-section (2) excluding the Explanations thereunder, the following sub-section shall be substituted, namely:—

Tamil Nadu Act 20 of 2017.

“(2) The entertainments tax on cinematograph exhibition shall be calculated at the following rates on each payment for admission to any cinematograph exhibition in the theatres located,—

(i) within the limits of the Municipal Corporations, Municipalities, Special Grade and in the theatres, whether permanent or semi-permanent, within five kilometers from the outer peripheral limits of such areas of the Municipal Corporations and Municipalities, Special Grade,—

(A) at the rate of thirty per cent of the gross payment for admission exclusive of the amount of the tax for new film; and

(B) at the rate of twenty per cent of the gross payment for admission exclusive of the amount of the tax for old film;

(ii) in the areas other than those specified in clause (i), at the rate of twenty per cent of the gross payment for admission exclusive of the amount of the tax for new or old film.”.

Amendment of section 17.

3. In section 17 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that the inspecting officer shall not enter any place of entertainment without the prior permission of such officer as may be authorised by the local authority concerned.”.

Repeal and saving.

4. (1) The Tamil Nadu Local Authorities Entertainments Tax (Amendment) Ordinance, 2017 is hereby repealed.

Tamil Nadu Ordinance 5 of 2017.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.