

**The Delhi Value Added Tax
(Fourth Amendment)
Bill, 2012**



(As passed by the Legislative Assembly of the National
Capital Territory of Delhi on 13th December, 2012)

THE DELHI VALUE ADDED TAX (FOURTH AMENDMENT) BILL, 2012

A

BILL

to further amend the Delhi Value Added Tax Act, 2004.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Delhi Value Added Tax (Fourth Amendment) Act, 2012.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Amendment of section 2. - In the Delhi Value Added Tax Act, 2004, (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (zd), in sub-clause (vii), -

(a) the provisos before the *Explanation* shall be omitted.

(b) the '*Explanation.*' shall be numbered as '*Explanation.-1*', after '*Explanation.-1*' so re-numbered, '*Explanation.-2*' shall be inserted, namely :-

"*Explanation.-2* The amount received or receivable by oil marketing companies for the sale of diesel and petrol shall be deemed to be



equivalent to the price on which the retail outlets will sell these commodities to the consumer."

3. Amendment of section 36A. - In the Principal Act, in section 36A,-

- (i) In sub-section (1), for the word 'two' occurring after the word 'of' and before the word 'percent' the word 'four' shall be substituted.
- (ii) In sub-section (1), proviso shall be omitted.
- (iii) In sub-section (1A), for the word 'two' occurring after the word 'to' and before the word 'percent' the word 'four' shall be substituted.
- (iv) In sub-section (1A), proviso shall be omitted.

4. Amendment of section 58A.- In the Principal Act, in section 58A,-

- (i) In sub-section (1), the words "at any stage of the proceeding under this Act," occurring after the word "If," shall be omitted.
- (ii) for sub-section (2), the following shall be substituted, namely :-

"(2) The expenses of, and incidental to, the examination and audit of records under sub-section (1), (including the remuneration of the accountant or a panel of accountants or professional or panel of professionals) shall be determined and paid by the Commissioner and that determination shall be final."

5. Amendment of section 95.- In the Principal Act, in section 95, -

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

"Dealer to declare the name of manager of business, Permanent Account Number and IEC (Importer Exporter Code)",

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



(3) "Every dealer at the time of applying for registration under this Act shall mention the Permanent Account Number (PAN) obtained under the Income Tax Act, 1961 (43 of 1961):

PROVIDED that the dealers already registered under the Act shall intimate Permanent Account Number (PAN) obtained under the Income Tax Act, 1961 (43 of 1961) in the prescribed form, within two months of notification of the amendment.

(3A) Every dealer liable to pay tax under this Act and having an IEC (Importer Exporter Code) under The Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992), shall mention the IEC (Importer Exporter Code), at the time of applying for registration under this Act, :

PROVIDED that the dealers already registered under the Act and having IEC (Importer Exporter Code) under the Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992) shall intimate the details in the prescribed form, within two months of notification of this amendment :

PROVIDED FURTHER that every dealer registered under the Act, who obtains an IEC (Importer Exporter Code) under the Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992), subsequently shall provide the IEC details in the prescribed form, within 15 days of obtaining the IEC."

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

(4) "Any person who fails to furnish a declaration or, as the case may be, a revised declaration as provided in sub-section (1) and sub-section (2) of this section or fails to provide details of the Permanent Account Number obtained under the Income Tax Act, 1961 (43 of 1961), as provided in sub-section (3) of this section or fails to provide the IEC (Importer Exporter



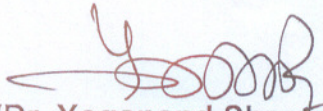
Code) under The Foreign Trade (Development And Regulation) Act, 1992 (No. 22 of 1992) as provided in sub-section (3A) of this section, shall be liable to pay, by way of penalty, sum equal to Rupees one thousand per week of default subject to a maximum of fifty thousand rupees."

This Bill has been passed by the Legislative Assembly of the National Capital Territory of Delhi on the **13th December, 2012.**

I hereby certify that the Bill is a Money Bill for the purpose of Section 24 of the Government of National Capital Territory of Delhi Act, 1991.

DELHI
Dated: 13th December, 2012




(Dr. Yoganand Shastri)
Speaker,
Legislative Assembly of the
National Capital Territory of Delhi