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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 365-L.—28th February, 2015.—The Governor having been pleased to order, under rule 66 of the

Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 5 of 2015**

**THE WEST BENGAL FINANCE BILL, 2015.**

**A**

**BILL**

*to amend the Indian Stamp Act, 1899, in its application to West Bengal, the Bengal Amusements Tax Act, 1922, the Bengal Electricity Duty Act, 1935, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, the West Bengal Sales Tax Act, 1994, the West Bengal Sales Tax (Settlement of Dispute) Act, 1999 and the West Bengal Value Added Tax Act, 2003.*

WHEREAS it is expedient to amend the Indian Stamp Act, 1899, in its application to the State of West Bengal, the Bengal Amusements Tax Act, 1922, the Bengal Electricity Duty Act, 1935, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, the West Bengal Sales Tax Act, 1994, the West Bengal Sales Tax (Settlement of Dispute) Act, 1999 and the West Bengal Value Added Tax Act, 2003, for the purposes and in the manner hereinafter appearing;

2 of 1899.  
Ben. Act V of  
1922.  
Ben. Act X of  
1935.  
West Ben. Act VI  
of 1979.  
West Ben. Act  
XLIX of 1994.  
West Ben. Act IV  
of 1999.  
West Ben. Act  
XXXVII of  
2003.

*The West Bengal Finance Bill, 2015.*

(Clauses 1-3.)

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal Finance Act, 2015.

(2) Save as otherwise provided, it shall come into force on such date, or shall be deemed to have come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

Application and amendment of Act 2 of 1899.

2. (1) The Indian Stamp Act, 1899 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

(2) In Schedule IA to the principal Act,—

(a) in article 23, in the column under heading “ Proper Stamp-duty”,—

(i) in clause(a), for the words “rupees thirty lakh”, the words “rupees forty lakh” shall be deemed to have been substituted with effect from the 2nd day of March, 2015;

(ii) in clause (b), for the words “rupees thirty lakh”, the words “rupees forty lakh” shall be deemed to have been substituted with effect from the 2nd day of March, 2015;

(iii) in clause (c), for the words “rupees thirty lakh”, the words “rupees forty lakh” shall be deemed to have been substituted with effect from the 2nd day of March, 2015;

(b) in article 43, in item (a), for the entries under headings “Description of Instruments” and “Proper Stamp-duty”, the following entries under headings “Description of Instruments” and “Proper Stamp-duty”, shall be substituted, respectively :—

“(a) of any goods exceeding in value twenty rupees;	Fifty paise for every Rs. 5,000 or part thereof;
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(aa) of any goods exceeding in value twenty rupees but not delivered;	Ten paise for every Rs. 5,000 or part thereof;
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(ab) of any goods relating to future and options trading;	Ten paise for every Rs. 5,000 or part thereof;
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(ac) of any goods relating to forward contract of commodities traded through an association or otherwise;	Ten paise for every Rs. 5,000 or part thereof”.
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Amendment of Ben. Act V of 1922.

3. In the Bengal Amusements Tax Act, 1922, in section 3, in sub-section (3), in Table,—

(1) for item (a) and the entries relating thereto in column (1), column (2) and column (3), the following item and the entries relating thereto in column (1), column (2) and column (3), respectively, shall be substituted:—

“(a) Musical soiree, magic show and dance (except cabaret)	(i) upto Rs. 100	Nil
	(ii) above Rs. 100	20 per centum of such value”;

*The West Bengal Finance Bill, 2015.**(Clauses 4, 5.)*

- (2) for the entries in column (2) and column (3) against item (c) and the entries relating thereto in column (1), the following entries in column (2) and column (3), respectively, shall be substituted:—

“(i) up to Rs. 100	Nil
(ii) above Rs. 100	20 per centum of such value”.

Amendment of  
Ben. Act X of  
1935.

4. In the Bengal Electricity Duty Act, 1935, in the Second Schedule, in item 13, for the words “first commercial production”, the words “first commercial production, or for such period, and to such extent, as may be mentioned in the relevant scheme approved by the State Government under which such industrial unit has been set up” shall be substituted.

Amendment of  
West Ben. Act VI  
of 1979.

5. In the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979,—

- (1) in section 5, in sub-section (6), for the words “each twelve English calendar months”, the words “each English calendar month” shall be substituted;
- (2) in section 6, after sub-section (2), the following sub-section shall be inserted :—

“(2A) If any registered employer who has submitted a return under sub-section (1), discovers any omission or error which is apparent and honest in nature in the return furnished by him, he may furnish a revised return, unless notified otherwise, before the due date of submission of return for the next period, and if the revised return shows a greater amount of tax, late fee or interest to be payable than what was shown in the return submitted under sub-section (1), upon payment of the balance amount of tax, late fee or interest in the manner as referred to in sub-section (2):

Provided that a revised return under this sub-section shall be furnished once only.”;

- (3) after section 6B, the following section shall be inserted:—

“Profession tax  
payment  
certificate. 6C. (1) Any person who has liability to pay tax under this Act, may obtain a profession tax payment certificate in such form, in such manner and subject to such conditions and restrictions, as may be prescribed.

(2) Any Government, local authority, body corporate established by or under a Central or State Act, or any other person or entity or authority as may be prescribed by the State Government, shall, before placing an order with, or making purchase of any goods or services from any person who has liability to pay tax under this Act or before making any payment to such person for such purchase or before entering into any contract with such person for execution by him of such contract or before making payment to such person for execution of such contract or before renewal of any licence issued to such person, ask for a valid profession tax payment certificate from such person.”;

*The West Bengal Finance Bill, 2015.*

(Clauses 6, 7.)

(4) in the Schedule, —

- (a) in the entry in item (d) of column (2) against serial No. 2 in column (1), for the words “Technical or professional consultants”, the words “Technical or professional consultants, or service providers,” shall be substituted;
- (b) in the entry in item (c) of column (2) against serial No. 3 in column (1), for the words, letters, figures and brackets “the West Bengal Co-operative Societies Act, 1983 (West Ben. Act XLV of 1983)”, the words, letters, figures and brackets “the West Bengal Co-operative Societies Act, 1983 (West Ben. Act XLV of 1983) or the West Bengal Co-operative Societies Act, 2006 (West Ben. Act XL of 2006)” shall be substituted.

6. In the West Bengal Sales Tax Act, 1994,—

- (1) in section 17, in sub-section (3), after the proviso to clause (b), the following proviso shall be inserted:—

“Provided further that where tax has been charged and collected on sales other than on the basis of rate of tax in *per centum* on the sale price, the amount of deduction under clause (b) shall be the sum total of the amounts charged and collected by way of tax on sales separately in respect of turnover of sales liable to be taxed at different rates.”;

- (2) in section 18, after sub-section (2), the following sub-section shall be inserted:—

“(3) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, fix the amount of tax payable, subject to such terms and conditions, if any, as may be notified, on the sale of goods or sale of a class of goods specified in Schedule IV, on the basis of weight, volume, measurement or unit of such goods, and different amounts of tax may be fixed for sales of different items of such goods in respect of a specified area or whole of the State.”;

- (3) in section 79, in sub-section (2), after the second proviso, the following proviso shall be inserted:—

“Provided also that the appellate authority may dispose an appeal within six months from the date of order of refusing an application for settlement of dispute or revocation of certificate of settlement under the West Bengal Sales Tax (Settlement of Dispute) Act, 1999, relating to the period covered in such appeal.”;

West Ben. Act  
IV of 1999.

7. In the West Bengal Sales Tax (Settlement of Dispute) Act, 1999,—

- (1) in section 2, in sub-section (1),—

- (a) in clause (a), for the words, figures and letters “the 31st day of March, 2008”, the words, figures and letters “the 31st day of January, 2015” shall be substituted;

- (b) for clause (e), the following clause shall be substituted:—

‘(e) “relevant Act” means—

- (i) the West Bengal Sales Tax Act, 1994;
- (ii) any of the Acts referred to in sub-section (1) of section 106 of the West Bengal Sales Tax Act, 1994;
- (iii) the West Bengal Value Added Tax Act, 2003; or
- (iv) the Central Sales Tax Act, 1956,

West Ben. Act  
XLIX of 1994.West Ben. Act  
XXXVII of  
2003.  
74 of 1956.

and includes the rules made, or notifications issued, under the Acts referred to in sub-clause (i), sub-clause (ii), sub-clause (iii) or sub-clause (iv);”;

*The West Bengal Finance Bill, 2015.*

(Clause 7.)

- (2) in section 4, in sub-section (1),—
- (a) for the words “in respect of any period”, the words, figures and letters “in respect of any period ending on or before the 31st day of March, 2010” shall be substituted;
  - (b) for the words, figures and letters “an appeal or revision relating thereto is pending on the 31st day of March, 2008”, the words, figures and letters “an appeal or revision relating thereto is pending on the 31st day of January, 2015” shall be substituted;
- (3) in section 4A, in sub-section (1), for the words, figures and letters “on the 31st day of March, 2008”, the words, figures and letters “on the 31st day of January, 2015” shall be substituted;
- (4) in section 5, in sub-section (1),—
- (a) in clause (a), for the words, figures and letters “the 31st day of March, 2009”, the words, figures and letters “the 31st day of July, 2015” shall be substituted;
  - (b) in clause (b), for the words, figures and letters “the 31st day of March, 2009”, the words, figures and letters “the 31st day of July, 2015” shall be substituted;
- (5) in section 7, in sub-section (1),—
- (a) for clause (a), the following clause shall be substituted:—
    - “(a) where the dispute relates —
    - (i) to any arrear tax in dispute which is solely owing to non-furnishing or non-production of any certificate or declaration prescribed under the relevant Act and the applicant is in possession of such certificate or declaration on the date of making an application under this Act in respect of a portion of such arrear tax in dispute, at the rate of hundred *per centum* of the remaining balance amount of arrear tax in dispute, or the actual amount paid in respect of such arrear tax in dispute, whichever is higher;
    - (ii) to any arrear tax in dispute, at the rate of fifteen *per centum* of the arrear tax in dispute or the actual amount paid in respect of such arrear tax in dispute, whichever is higher, if such dispute is owing to disallowance of any claim of input tax credit under the relevant Act for the relevant period;
    - (iii) to any other arrear tax in dispute not covered in any of the above-mentioned sub-clauses, at the rate of fifty-five *per centum* of the arrear tax in dispute or the actual amount paid in respect of such arrear tax in dispute, whichever is higher;”;
  - (b) for clause (b), the following clause shall be substituted:—
    - “(b) where the dispute relates to any arrear interest in dispute for non-payment of any arrear tax in dispute and an application has been made under this Act in respect of such arrear tax in dispute, by waiving the arrear interest in dispute.”;

*The West Bengal Finance Bill, 2015.**(Clause 8.)*

(6) to sub-section (1), the following *Explanations* shall be added:—

*Explanation I.*—The “remaining balance amount of arrear tax in dispute” referred to in sub-clause (i) of clause (a), shall mean that part of arrear tax in dispute, which remains after deduction therefrom the amount of tax in dispute related to such certificate or declaration for non-furnishing or non-production of which that tax was assessed to be payable and where the applicant furnishes satisfactory evidence of receipt and possession of such certificate or declaration on the date of making an application under this Act and where the relevant claim under the relevant Act is otherwise allowable on the basis of such furnished certificate or declaration.

*Explanation II.*—Where an application under this Act for settlement of tax in dispute covers cases under clause (a), the amount payable for settlement of tax in dispute shall be the sum total of the amounts arrived at in accordance with the provisions of clause (a), determined separately in respect of each case of arrear tax in dispute covered thereunder.’

Amendment of  
West Ben. Act  
XXXVII of  
2003.

8. In the West Bengal Value Added Tax Act, 2003,—

(1) in section 10, in sub-section (3), in clause (b), in the proviso, for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted;

(2) in section 14,—

(a) in sub-section (4), for the words “five lakh rupees”, occurring in two places, the words “ten lakh rupees” shall be substituted;

(b) in sub-section (5), for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted;

(c) in sub-section (6), for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted;

(d) in sub-section (7), for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted;

(e) in sub-section (8), for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted;

(3) in section 16, in sub-section (2),—

(a) in clause (c), for the words and figures “under section 19”, the words, figures and brackets “under sub-section (1) of section 19” shall be substituted;

(b) after clause (c), the following sub-clause shall be inserted:—

“(d) at such rate as may be fixed by the State Government under sub-section (2) of section 19, on such sales as represents sales of any goods specified in Schedule D in respect of which such rate has been fixed.”;

(4) section 19 shall be renumbered as sub-section (1) of that section, and after sub-section (1) so renumbered, the following sub-section shall be inserted:—

“(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, fix the amount of tax payable, subject to such terms and conditions, if any, as may be notified, on the sale of goods or sale of a class of goods specified in Schedule D, on the basis of weight, volume, measurement or unit of such goods, and different amounts of tax may be fixed for sales of different items of such goods in respect of a specified area or whole of the State.”;

*The West Bengal Finance Bill, 2015.**(Clause 8.)*

(5) in section 22,—

(a) in sub-section (4), to the second proviso, the following proviso shall be added:—

“Provided also that where a registered dealer purchases any duty credit scrip from another registered dealer and utilises the same for import of goods to be used for the purpose of manufacturing of taxable goods within the State, input tax credit on the same shall be available to him under clause (d) or clause (h) or both.”;

(b) after sub-section (4), the following sub-section shall be inserted:—

“(4A) The input tax credit or input tax rebate in respect of a transaction involving taxable goods shall be available to the purchasing dealer—

(a) if the amount of tax is actually paid by the selling dealer in respect of such transaction by way of deposit into appropriate government treasury or by way of including such tax in the total amount of output tax shown in the relevant return submitted under section 32 by the selling dealer, and upon payment of the net tax payable as per the return; and

(b) the amount of input tax credit or input tax rebate shall not exceed the amount of tax so paid by the selling dealer in respect of such transaction.”;

(c) in sub-section (13), in clause (a), after sub-clause (iii), the following sub-clause shall be inserted:—

“(iv) purchases goods and avails input tax credit or input tax rebate on such purchases to the extent by which such input tax credit or input tax rebate is in excess of what he is entitled to enjoy in accordance with sub-section (4A); or”;

(6) in section 24A,—

(a) in sub-section (1), for the words, figures and letters “the 31st day of December, 2012”, the words, figures and letters “the 31st day of July, 2015” shall be substituted;

(b) in sub-section (3), for the words “date of order granting such registration”, the words “date of submitting complete application for such registration” shall be substituted;

(7) in section 30E,—

(a) in sub-section (1A), for the words “whose turnover of sales or contractual transfer price or both, or turnover of purchases exceeds rupees five crore in a year”, the words “whose turnover of sales including stock transfer outside the State or contractual transfer price or both or turnover of purchases including stock transfer into the State exceeds rupees ten crore in a year” shall be substituted;

(b) for sub-section (1C), the following sub-section shall be substituted:—

“(1C) Every registered dealer, other than those mentioned in sub-section (1A) or sub-section (1B), who are required to get his accounts audited under the provision of the Income Tax Act, 1961, shall, within such date as may be prescribed, submit a copy of the audit report as required to be furnished under that Act together with a copy of the Profit and Loss Account and Balance Sheet for such year.”;

*The West Bengal Finance Bill, 2015.**(Clause 8.)*

- (8) in section 33,—
- (a) in sub-section (1), for the words “at the rate of twelve *per centum per annum*”, the words, figures and letter “at the rate as specified in section 34B” shall be substituted;
  - (b) in sub-section (2), for the words “at the rate of twelve *per centum per annum*”, the words, figures and letter “at the rate as specified in section 34B” shall be substituted;
  - (c) in sub-section (3), for the words “at the rate of twelve *per centum per annum*”, the words, figures and letter “at the rate as specified in section 34B” shall be substituted;
- (9) in section 34,—
- (a) in sub-section (1), for the words “at the rate of twelve *per centum per annum*”, the words, figures and letter “at the rate as specified in section 34B” shall be substituted;
  - (b) in sub-section (3), for the words “at the rate of twelve *per centum per annum*”, the words, figures and letter “at the rate as specified in section 34B” shall be substituted;
- (10) in section 34A, for the words “at the rate of twelve *per centum per annum*”, the words, figure and letter “at the rate as specified in section 34B” shall be substituted;
- (11) after section 34A, the following section shall be inserted:—
- “Rate of interest payable. 34B. The interest payable for any period by a dealer, casual dealer, transporter, contractee, promoter, or any other person under the Act, shall be at the rate as specified below:—
- (a) at the rate of one *per centum* per month up to the first ninety days of the period for which such interest is payable;
  - (b) at the rate of one and half *per centum* per month after the first ninety days and up to three hundred days of the period for which such interest is payable; and
  - (c) at the rate of two *per centum* per month after the first three hundred days of the period for which such interest is payable.”;
- (12) section 36 shall be renumbered as sub-section (1) of section 36, and after sub-section (1) so renumbered, the following sub-section shall be inserted:—
- “(2) The Commissioner shall, in the prescribed manner, pay a simple interest at the rate of twelve *per centum per annum* for each month of delay in making refund to a registered dealer in accordance with section 62, arising out of an order under section 46 relating to any assessment period starting on or after the 1st day of April, 2014, from the first day of the English calendar month next following three months after the date of such assessment order, or after the date of order under sub-section (3) of section 62, whichever is later, and up to the date on which the refund is made, upon the amount of tax paid in excess, or the amount of unadjusted net tax credit over output tax which has not been carried forward to the next return period and refundable to him according to such assessment order.”;



*The West Bengal Finance Bill, 2015.*

(Clause 8.)

(13) in section 40,—

(a) after sub-section (2), the following sub-sections shall be inserted:—

“(2A) After the deposit of the amount deducted under sub-section (2), the person who makes the deduction, shall furnish a scroll, within such date, in such manner, and to such authority, as may be prescribed.

(2B) Where the person who makes the deduction under sub-section (2) or a contractee, delays in furnishing the scroll referred to in sub-section (2A), he shall be liable to pay late fee and the provisions of sub section (2) of section 32 shall, *mutatis mutandis*, apply.”;

(b) in sub-section (3), for the words “within fifteen days from the date of such deposit”, the words “within twenty-five days from the end of the English Calendar month during which deduction is made” shall be substituted;

(c) for sub-section (3A), the following sub-section shall be substituted:—

“(3A) Where a contractee discovers any omission or error in the data entered in the scroll, he may furnish a revised scroll within six English Calendar months beginning from the month immediately following the month in which the original scroll is to be furnished, and if the revised scroll shows a greater amount of tax deducted, or late fee or interest payable, than what was shown in the original scroll, it shall be accompanied by a copy of the receipted challan or a copy of the account statement showing the extra amount of tax, late fee or interest payable thereon, in the manner as may be prescribed:

Provided that the Commissioner may, if he is satisfied on the reasons adduced by the contractee, extend, by an order in writing, the time for revising the scroll.”;

(d) after sub-section (3A), the following sub-sections shall be inserted:—

“(3B) Where the person who makes the deduction under sub-section (2) or a contractee, fails to deposit the amount so deducted towards tax leviable on intra-State contractual transfer price, within the prescribed date, he shall pay a simple interest at the rate specified in section 34B for the period commencing on the date immediately following the prescribed date for payment of such amount and upto the date preceding the date of payment of such amount or preceding the date of commencement of proceeding under section 55, whichever is later.

(3C) Where the interest payable under sub-section (3B) has not been paid, the Commissioner may determine the amount of interest so payable and issue notice to the person for payment of the same in such manner as may be prescribed, and if the amount of interest so demanded is not paid within the date specified in such notice, the amount may be recovered in accordance with the provisions of section 55 or section 60.

*The West Bengal Finance Bill, 2015.**(Clause 8.)*

(3D) No interest or late fee or penalty shall be payable under this section in such cases, or under such circumstances, and subject to such conditions or restrictions, if any, as the State Government may, by notification, specify.”;

(14) in section 47AA,—

(a) sub-section (3) shall be omitted;

(b) in sub-section (4), for the words “any other reason”, the words and figures “any other reason, and such assessment may be made, notwithstanding anything contained in section 47 or section 49, within the 30th day of June next following one year from the date of reopening of such summary assessment” shall be substituted;

(15) in section 61, in sub-section (1), for clause (ab), the following clause shall be substituted:—

“(ab) to a registered dealer, whose sum total of the turnover of inter-State sales of taxable goods within the meaning of sub-section (1) of section 8 of the Central Sales Tax Act, 1956 and of the turnover of sales of goods in the course of export out of the territory of India within the meaning of section 5 of the Central Sales Tax Act, 1956, exceeds fifty *per centum* of the total turnover of sales in a return period, of such *per centum* of excess amount of input tax credit after adjustment of reverse credit over output tax for such return period, as corresponds to the sum total of the turnover of sales referred to in this sub-clause computed as *per centum* of total turnover of sales in the return period;”;

74 of 1956.

(16) in section 84,—

(a) in sub-section (1), for the second proviso, the following proviso shall be substituted:—

“Provided further that no appeal for any period submitted on or after the 1st day of April, 2015, shall be entertained by the said authority unless it is satisfied that the applicant has produced the documents relating to proof of payment of—

(a) full amount of tax, interest, penalty or late fee, as the case may be, as the applicant may admit to be due from him, and

(b) fifteen *per centum* of the amount of tax in dispute in such appeal.”;

(b) in sub-section (2), after the third proviso, the following proviso shall be inserted:—

“Provided also that the appellate authority may dispose an appeal within six months from the date of order of refusing an application for settlement of dispute or revocation of certificate of settlement under the West Bengal Sales Tax (Settlement of Dispute) Act, 1999, relating to the period covered in such appeal.”;

West Ben. Act  
IV of 1999.

*The West Bengal Finance Bill, 2015.*

(Clause 8.)

- (17) in section 87, after sub-section (IB), the following sub-section shall be inserted:—

“(1C) Any application for revision filed on or after the 1st day of July, 2015 and entertained thereafter, shall be disposed of within the date as referred to in column (3) of the Table below corresponding to the date of its filing as referred in column (2) of the said Table:—

TABLE

Sl. No.	Date of filing of application for revision	Date within which the application for revision has to be disposed of
(1)	(2)	(3)
1.	Between 1st day of April and 30th day of September of a year	30th day of September of the year immediately following the year in which the revision application was filed.
2.	Between 1st day of October of a year and 31st day of March of the following year	31st day of March of the year immediately following the year in which the revision application was filed.

Provided that the State Government may, subject to such conditions and restrictions as may be prescribed, further extend the time for disposal of such application for revision.”;

- (18) in section 87A, for the words, figures and letters “for a sum of less than twenty lakh rupees and relating to the year ending on the 31st day of March, 2007, and the 31st day of March, 2008, which had been preferred under section 87 before the Appellate and Revisional Board for revision of a final appellate or revisional order from an order of assessment and which is pending on the 30th day of September, 2011, before the said board, shall, on and from the 1st day of October, 2011”, the words, figures and letters “for such amount, and for such period, as the State Government may, by notification, specify and which had been preferred under section 87 before the Appellate and Revisional Board for revision of a final appellate or revisional order from an order of assessment and which is pending on the 31st day of March, 2015, before the said board, shall, on and from the date as specified in the said notification” shall be substituted;
- (19) in section 93, in sub-section (11), for the words, figure, letter and brackets “under sub-section (3A)”, the words, figures, letters and brackets “under sub-section (3A), sub-section (3B)” shall be substituted;
- (20) in Schedule C,—
- (a) in Part I, in the entry in column (2) against serial No. 54B in column (1),—
- (i) in item (viii), for the words “machinery for print industry”, the words “machinery for paint industry” shall be substituted;

*The West Bengal Finance Bill, 2015.**(Clause 9.)*

(ii) in item (xxii), for the words “pollution control equipment manufacturing machinery”, the words “pollution control equipment” shall be deemed to have been substituted with effect from the 1st day of April, 2005;

(b) in Part III, in serial No. 188 in column (1) and the entry relating thereto in column (4), after item (ii), the following item and the entry relating thereto in column (4) shall be inserted:—

“(iia) electrical sockets;”.

Validation.

9. Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority, the amendment made in the principal Act by clause (a) of sub-section (2) of section 2, shall be deemed to have been made with effect from the 2nd day of March, 2015, and accordingly anything done or any action taken or purported to have been taken or done under the principal Act on or after the said date, shall, notwithstanding anything contrary contained in the judgement, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been for all purposes, as validly and effectively taken or done as if the said amendment had been in force at all material time.

**STATEMENT OF OBJECTS AND REASONS.**

The Bill, namely, the West Bengal Finance Bill, 2015, seeks to amend the following principal Acts:—

(i) the Indian Stamp Act, 1899, in its application to West Bengal,—

The Bill seeks—

(a) to provide relief to the registrant people for purchasing immovable property valued up to rupees forty lakh instead of rupees thirty lakh, considering cost inflation index, for additional stamp-duty at the rate of one *per centum* with effect from the 2nd day of March, 2015;

(b) to provide separate provision of reduced rate of stamp-duty in respect of goods exceeding in value twenty rupees but not delivered, goods for future and options trading and goods for forward contracts.

(ii) the Bengal Amusements Tax Act, 1922,—

The Bill seeks to enhance the existing value of tickets on which no tax is levied under the Act, from rupees sixty to rupees one hundred, in respect of Musical soiree, magic show and dance (except cabaret) and some other non-cinema entertainments, amounting to remission of tax of a negligible nature.

(iii) the Bengal Electricity Duty Act, 1935,—

The Bill seeks to incorporate the provision of waiver of electricity duty in respect of industrial unit set up under any scheme approved by the State Government.

(iv) the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979,—

*The West Bengal Finance Bill, 2015.*

The Bill seeks—

- (a) to allow a registered employer to furnish revised return;
- (b) to provide for online Professional Tax Payment Certificate required for purchases of goods and services by Government, local bodies etc.;
- (c) to bring service providers at par with technical or professional consultants;
- (d) to bring co-operative societies registered under West Bengal Co-operative Societies Act, 2006, at par with the West Bengal Co-operative Societies Act, 1983;
- (v) the West Bengal Sales Tax Act, 1994,—

The Bill seeks to empower the State Government to levy tax on the basis of weight, volume, measurement or unit of goods sold;

- (vi) the West Bengal Sales Tax (Settlement of Dispute) Act, 1999,—

The Bill seeks to extend once again the benefits of one-time settlement of arrear tax, interest and penalty in dispute in respect of any period for which an assessment has been made under the relevant Act for the period upto the 31st day of March, 2010, and an appeal or revision thereto is pending on the 31st day of January, 2015, where such application for settlement is made on or before the 31st day of July, 2015;

- (vii) the West Bengal Value Added Tax Act, 2003,—

The Bill seeks—

- (a) to raise the threshold limit for tax on sales of goods under this Act from rupees five lakh to rupees ten lakh;
- (b) to allow input tax credit on duty credit scrips to a registered dealer engaged in manufacturing of goods in the State;
- (c) to allow input tax credit against purchases, where the selling dealer has paid taxes and shown in the returns;
- (d) to extend amnesty scheme for registration of dealers;
- (e) to raise the turnover limit from rupees five crore to rupees ten crore for registered dealers required to furnish VAT audit report by a Chartered Accountant or a Cost Accountant;
- (f) to introduce graded rate of interest in respect of delayed payment of tax, where higher rate of interest will be payable depending upon the period of delay;
- (g) to provide for payment of interest by the Commissioner for delay in refund arising from assessment order;
- (h) to allow automatic credit of TDS to the dealers upon furnishing of the electronic scroll by contractees;
- (i) to provide for levying of late fee and interest for delay in filing of electronic scroll and delay in deposit of collected amount by the Contractees;
- (j) to provide for furnishing of revised scroll by the Contractees;
- (k) to fix time limit of one year within which the assessment of reopened cases shall be completed;

*The West Bengal Finance Bill, 2015.*

- (1) to allow pre-assessment refund to the dealers when the sum total of export and Central Sales Tax turnover exceeds 50% of total turnover;
  - (m) to provide for payment of 15% of tax demand before filing of appeal;
  - (n) to introduce time limit (i.e. time barring) for disposal of revision petitions filed before the West Bengal Appellate and Revisional Board;
  - (o) to provide for disposal of cases pending before the Appellate and Revisional Board by fast track method;
  - (p) to reduce the rate of tax on “electrical sockets” from 14.5% to 5%.
2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA,  
*The 28th February, 2015.*

DR. AMIT MITRA,  
*Member-in-charge.*

By order of the Governor,  
MALAY MARUT BANERJEE,  
*Secy. to the Govt. of West Bengal,  
Law Department.*