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THE TRIPURA VALUE ADDED TAX **ACT, 2004**

An **Act to provide for the levy and collection of Value Added Tax at different points of sale in the State of Tripura. **Be it enacted by the Tripura Legislative Assembly in the fifty fifth year of the republic of India as follows:-****

Chapter- I

PRELIMINARY

- 1. Short Title, Extent and Commencement** - (1) This **Act** may be called the Tripura Value Added Tax **Act**, 2004.
(2) It extends to the whole of the State of Tripura.
(3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint.
- 2. Definitions** - In this **Act**, unless the context otherwise specifies,
 - (1) 'Act' means the Tripura Value Added Tax **Act**, 2004.
 - (2) "Assessee" means any person by whom tax or any other sum of money is payable under this Act and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of tax payable by him;
 - (3) 'Assessing Authority' means an officer of the Finance (Excise & Taxation) Department, authorised to make any assessment under the Act.
 - (4) 'Business' includes :
 - (a) any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture

whether or not such trade, commerce or manufacture, adventure or concern is carried on with a motive to making gain or profit and whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern; and

- (b) any transaction in connection with, or incidental or ancillary to, such trade, commerce, manufacture, adventure or concern.
- (5) 'Capital goods' means plant, machinery and equipment used in the process of manufacturing.
 - (6) 'Casual traders' means a person who, whether as principal, agent or in any other capacity, carries on occasional transaction of a business nature involving the buying, selling, supplying or distribution of goods in the State, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration.
 - (7) 'Commissioner' means any person appointed by the State Government to be a Commissioner of Taxes.
 - (8) 'Dealer' means any person who carries on the business of buying, selling, supplying for commission, remuneration or other valuable consideration, and includes-
 - (a) an industrial, commercial, banking, or trading undertaking whether or not of the Central Government or any of the State Governments or a local authority;
 - (b) an advertising concern or agency;
 - (c) a casual trader;

- (d) a company, firm, club, association, society, trust, or cooperative society, whether incorporated or un-incorporated, which carries on such business;
- (e) a commission agent, a broker, a *del credere* agent, any auctioneer or any other mercantile agent by whatever name called, who carries on the business of buying, selling, supplying or distributing goods on behalf of any principal;
- (f) an agent of a non-resident dealer or a local branch of a firm or company or association situated outside the State;
- (g) a person who sells goods produced by him by manufacture or agriculture or otherwise;
- (h) a person engaged in the business of transfer otherwise than in pursuance of a contract of property in any goods for cash, deferred payment or other valuable consideration;
- (i) a person engaged in the business of transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract;
- (j) a person engaged in the business of delivery of goods on hire purchase or any other system of payment by instalments;
- (k) a person engaged in the business of transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or commission or remuneration or any other valuable consideration;
- (l) a department of the Central Government or any State Government or a Local Authority by name of any Panchayat, Municipality, Development Authority, Cantonment Board or any autonomous or statutory body including a Port Trust and

the like, which, whether or not in the course of business, buys, sells, supplies or distributes goods, directly or otherwise, for cash, or for deferred payment, or for commission, remuneration, or other valuable consideration;

- (m) a Hindu Undivided Family or any other system of joint family which carries on business.
- (9) 'Document' means title deeds, writing or inscription and includes electronic data, computer programmes, computer tapes, computer discs and the like that furnishes evidence.
- (10) 'Goods' means all kinds of movable property (other than newspapers) and includes all materials, commodities, which are agreed to be severed before sale or under a contract of sale, and property in goods (whether as goods or in some other form) involved in the execution of works contract, lease or hire-purchase or those to be used in the fitting out, improvement or repair of movable property but does not include actionable claims, stocks, shares and securities.
- (11) 'Government' means the Government of Tripura.
- (12) 'Gross turnover' means the aggregate turnover in all goods of a dealer at all places of business in the State for a particular period made on his own account and also on behalf of the principals.
- (13) "Input-Tax" means the tax paid or payable under this Act by a registered dealer to another registered dealer on the purchase of goods in Tripura in the course of business for resale or for the manufacture of taxable goods or for use as containers or packing material or for the execution of works contract;
- (14) "Manufacture" includes any activity that brings out a change in an article or articles as a result of some process, treatment, labour and

results in transformations into a new and different article so understood in commercial parlance having a distinct name, character, use, but does not include such activity of manufacture as may be notified.

- (15) “Official Gazette” means the Tripura Gazette.
- (16) “Output Tax” means the tax charged or chargeable under this Act by a registered dealer for the sale of goods in the course of business in Tripura;
- (17) “Person” includes :-
- a) an individual;
 - b) a joint family;
 - c) a company;
 - d) a firm;
 - e) an association of persons or a body of individuals, whether incorporated or not;
 - f) the Central Government or the Government of Tripura or the Government of any other State or Union Territory in India;
 - g) a local authority;
- (18) “Place of business” means any place where a dealer carries on the business and includes;
- (a) any warehouse, godown or other place where a dealer stores or processes his goods;
 - (b) any place where a dealer produces or manufactures goods;
 - (c) any place where a dealer keeps his books of accounts;
 - (d) in cases where a dealer carries on business through an agent (by whatever name called), the place of business of such agent;

- (e) any vehicle or vessel or any other carrier wherein the goods are stored or used for transporting the goods;
- (19) “Prescribed” means prescribed by rules made under this Act;
- (20) “Recipient” means a person receiving goods, as defined for the purpose of this Act;
- (21) “Registered Dealer” means a dealer registered under this Act;
- (22) “Resale” means sale of purchased goods -
 - a) in the same form in which they were purchased; or
 - b) without doing anything to them, which amounts, or results in a manufacture.
- (23) “Return” means any return prescribed and / or required to be furnished under this Act or the Rules.
- (24) “Rules” means rules made under this Act.
- (25) “Sale” with all its grammatical variations and cognate expressions means every transfer of the property in goods (other than by way of a mortgage, hypothecation, charge or pledge) by one person to another in the course of trade or business for cash or for deferred payment or other valuable consideration, and includes –
 - a) transfer otherwise than in pursuance of a contract of property in any goods for cash, deferred payment or other valuable consideration;
 - b) transfer of property in goods (whether as goods or in some other form) involved in execution of a works contract;
 - c) delivery of any goods on hire purchase or any other system of payment by instalments;

d) 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 ;

and such transfer, delivery or supply of any goods shall be deemed to be a sale of those goods by the person making the transfer, delivery or supply and purchase of those goods by the person to whom such transfer, delivery or

supply is made, but does not include a mortgage, hypothecation, charge or pledge.

(26) “Sale price” means the amount of valuable consideration received or receivable by a dealer for the sale of any goods less any sum allowed as cash discount, according to the practice normally prevailing in the trade, but inclusive of any sum charged for anything done by the dealer in respect of the goods or services at the time of or before delivery thereof, excise duty, special excise duty or any other duty or taxes except the tax imposed under this Act.

Explanation: -For the purpose of this clause ' sale price' includes, -

a) in relation to the transfer of property in goods (whether as goods or in some other form) involved in the execution of works contract, such amount as is arrived at by deducting from the amount of valuable consideration paid or payable to a person for the execution of such works contract, the amount representing labour and other charge incurred and profit occurred not in connection with transfer of property in goods for such execution;

- b) in respect to transfer of the right to use any goods for any purpose (whether or not for a specified period), the valuable consideration received or receivable for such transfer.
- (27) “Schedule” means schedule appended to this Act;
- (28) “Tax” means the tax payable under this Act;
- (29) “Tax Invoice” means a document listing goods sold with price, quantity and other details as specified in this Act and includes a statement of account, bill, cash register, slip, receipt or similar record, regardless of its form;
- (30) “Tax Period” means a calendar month or a quarter, as the case may be, as prescribed;
- (31) “Taxable Sale” means sale which is taxable under the provisions of this Act;
- (32) “Taxable Turnover” means the turnover on which a dealer is liable to pay tax;
- (33) “Transporter” means a registered transport company, a carrier or a transporting agent operating transport business in Tripura in taxable goods.
- (34) “Tribunal” means the Tribunal constituted under this Act;
- (35) “Turnover” means the aggregate amount for which goods are either brought or sold or supplied or distributed by a dealer, either directly or through another whether on own account or on account of others, whether for cash or for deferred payment, or other valuable consideration;

Explanation-

- (1) The turnover in respect of delivery of goods on hire purchase or on any system of payment by installments shall be the market price of the goods so delivered,
- (2) The turnover in respect of the transfer of the right to use any goods shall be the aggregate amount received or receivable by the dealer as consideration for such transfer,
- (3) Subject to such conditions and restrictions, if any, as may be prescribed in this behalf, -
 - (a) the amount for which goods are sold shall include any sum charged for anything done by the dealer in respect of the goods sold at the time of, or before, the delivery thereof;
 - (b) any cash discount on the price allowed in respect of any sale or any amount refunded in respect of goods returned by customers shall not be included in the turnover; and
 - (c) where for accommodating a particular customer, a dealer obtains goods from another dealer and immediately disposes of the same to the said customer, the sale in respect of such goods shall be included in the turnover of the latter dealer but not in that of the former;
- (36) “Works Contract” means any agreement for carrying out for cash or deferred payment or other valuable consideration -
 - (i) the construction, fitting out, improvement or repair of any building, road, bridge or other immovable property, or
 - (ii) the installation or repair of any machinery affixed to a building or other immovable property, or
 - (iii) the overhaul or repair of -

- (a) any motor vehicle,
 - (b) any vessel propelled by internal combustion engine or by any other mechanical means,
 - (c) any aircraft,
 - (d) any component or accessory or part of any of the items mentioned in paragraph (a) to (c) above,
- (iv) the altering, ornamenting, finishing, improving or otherwise processing or adopting of any goods.
- (37) “Year” means twelve-month period commencing on the first day of April;
- (38) “Zero rating” means complete removal of tax up to the zero rated stage of production or distribution. No tax is charged on sale and tax credit is given for the tax paid on purchases.
- (39) “Special Economic Zone” (S.E.Z) means the area outside the custom territory of India for trade operation, duties and tariffs.

Chapter –II

INCIDENCE AND LEVY OF TAX

- 3. Incidence of Tax –** (1) Every dealer –
- (a) at the time of commencement of this Act -
 - (i) whose taxable turnover of sales during the year immediately preceding the commencement of this Act exceeded the taxable limit, or
 - (ii) who is registered or liable to be registered under the Tripura Sales Tax Act, 1976 or the Central Sales Tax Act, 1956, or

- (b) to whom clause(a) does not apply, and
 - (i) whose taxable turnover first exceeds the taxable limit during any period of twelve consecutive months, or
 - (ii) who is registered as a dealer under the Central Sales Tax Act, 1956,

shall be liable to pay Value Added Tax (VAT) in accordance with the provisions of this Act.

Provided that the State Government may keep certain goods as listed in the schedule II(d) outside VAT which will be taxable in the first point of sale within the State without any tax credit at such rates as may be specified by the Government from time to time by notification in the Official Gazette.

Provided further that the rates of different items may be different.

- (2) Every dealer is liable to pay tax under sub-section (1) on sales effected by him,
 - (a) in case of clause (a) of sub-section (1), with effect from the date of commencement of this Act;
 - (b) in case of sub-clause (i) of clause (b) of sub-section (1), with effect from the date immediately following the day on which his taxable turnover first exceeded the taxable limit during a period of any twelve consecutive months,

(c) in case of sub-clause (i) and (ii) of clause (b) of sub-section (1), with effect from the date of registration or the date on which he becomes so liable whichever is earlier.

(3) For the purpose of this Act, taxable limit means in relation to any dealer who:

(a) imports for sale any taxable goods into the State of Tripura on his own behalf or on behalf of his principal -
Nil

(b) manufactures or processes any taxable goods for sale -
Nil

(c) is engaged in any other business other than clause (a) and (b) -
Rs.3,00,000/-

(d) involved in the execution of works contract and transfer of right to use any goods for any purpose, lease or hire purchase -
Nil

4. Tax on deemed sales - (1) Notwithstanding anything contained elsewhere in this Act, any transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract shall be deemed to be a sale of those goods by the person making the transfer and shall liable to be taxed at the rate specified in the Schedule:

Provided that in respect of any such transfer, only so much value of the goods involved in the works contract which has actually

been paid to the dealer during the period, shall be taken into account for determining the turnover for the period.

Explanation: - For the purpose of this section, "Property in goods" shall mean the aggregate of the goods for which amounts have been received or receivable by a dealer during such period as valuable consideration, whether or not such amount has been separately shown in the works contract. The amount as received or receivable shall include the value of such goods purchased, manufactured, processed, or procured otherwise by the dealer, and the cost of freight or delivery as may be incurred by such dealer for carrying such goods to the place where these are used in execution of such works contract, but shall not include such portion of the aforesaid amounts as may be prescribed.

- (2) Tax on transfer of the right to use any goods- Notwithstanding anything contained elsewhere in this Act, any transfer of the right to use any goods for any purpose (whether or not for a specified period) shall be taxable at the rate as specified in the Schedule.
- (3) Deduction of tax at the time of payment- Every person responsible for paying any sum to any person on account of works contract and right to use any goods for any purpose, shall at the time of credit of such sum to account of the person or at the time of payment thereof in cash or by issue of a cheque or draft or any other mode, deduct such amount towards sales tax (not being more than the total tax payable by the dealer) as may be prescribed.

5. **Levy of tax on sale** – (1) The tax payable by a dealer under section 3 shall be levied on his taxable turnover of sales.

- (2) Taxable turnover of sales in relation to a dealer liable to pay tax under sub-section (1) of section 3 shall be calculated from the gross turnover of sales during any period which remains after deducting there from -
- (a) sales of goods declared as exempt from tax in schedule 'III';
 - (b) sales of goods which are shown to the satisfaction of the Commissioner to have taken place –
 - (i) in the course of inter-State trade or commerce, or
 - (ii) outside Tripura.
 - (iii) in the course of the import of the goods into or export of the goods out of the territory of India.

Explanation - Section 3, 4 and 5 of the Central Sales Tax Act, 1956 shall apply for determining whether or not a particular sale or purchase has taken place in the manner indicated in sub-clause (i), sub-clause (ii) or sub-clause(iii).

- (c) in case of turnover of sales in relation to works contract, the charges towards labour, services and other like charges and subject to such conditions as may be prescribed;

Provided that in cases where the amount of charges towards labour, services and other like charges in such contract are not ascertainable from the terms and conditions of the contract, the amount of such charges shall be calculated at the prescribed percentage.

- (d) such other sales on such conditions and restrictions as may be prescribed.

6. Levy of tax on containers and packing material. – Where any goods packed in any container or packing material are sold in which

such goods containers and packing materials are packed shall be deemed to have been sold along with the goods and the tax under section 5 shall be levied on the sale of such container or packing material at the rate of tax, if any, applicable to the sale, of the goods itself;

Provided that no tax under section 5 shall be levied where the container or packing material is sold along with the goods declared as exempted from tax under this Act.

7. **Rate of tax.** – The value added tax payable by a dealer under this Act shall be levied on his taxable turnover at such rate as specified in the Schedule II(a), II(b) and II(c) subject to such conditions as the Government may from time to time impose.

8. **Exemptions :-** (1) Sale of certain goods as specified in the Schedule III of this Act shall be exempt from tax under this Act subject to conditions and exceptions set out therein.
 - (2) Sales of certain goods of local importance with little implication on interstate trade as specified in Schedule IV shall be taxable at the rate zero.
 - (3) Export of Export Oriented Units and Special Economic Zone would be exempt from tax under this Act.
 - (4) Supplies between Special Economic Zone and Export Oriented Units would be exempt from tax under this Act.

9. **Tax payable :-** (1) The net tax payable by a registered dealer for a tax period shall be difference between the output tax and the input tax, which can be determined from the following formula :

$$\text{Net tax payable} = O - I$$

Where ‘O’ denotes the output tax payable for any tax period on the taxable turnover at the rates specified in the Schedule and subject to such conditions as may be prescribed from time to time and ‘I’ denotes the input tax paid or payable under this Act for the said tax period by such dealer to another registered dealer on the sale to him of any goods for resale or use in manufacturing or processing of goods for sale.

Explanation – Value Added Tax (VAT) is a multi point tax payable by manufacturer, processor, wholeseller and retailer on the value added on each point of sale with provision for credit of tax paid during purchase.

10. Input tax credit :- (1) For the purpose of calculating the net tax payable by a registered dealer for any tax period after being registered, an input tax credit as determined under this section shall be allowed to such registered dealer for the tax paid or payable in respect of all taxable sales other than such sales as may be prescribed subject to the following conditions :

(a) Input tax credit on capital goods except those mentioned in negative list in Schedule IV shall be adjusted against tax payable by a dealer over a period not exceeding three years.

Provided that in case of closure of business before the period specified above, no further input tax credit shall be allowed and input tax credit carried forward, if any, shall be forfeited.

(b) In respect of exporting dealers, input tax credit may be spread over a period less than 3 years as may be prescribed.

- (c) Input tax credit is to be given only after commencement of sale of taxable goods.
 - (d) In respect of inputs used in taxable goods sent on stock / consignment transfer, tax paid in excess of 4% or the prevailing rate of C.S.T. on such inputs is to be credited.
 - (e) Tax paid in excess of 4% on petroleum products used as fuel (other than petrol, Aviation Turbine Fuel and diesel) and other fuels when used as fuel in production of taxable goods or captive power is to be entitled for input credit. However, no input tax credit will be given if petroleum product is used as fuel in motor vehicle.
 - (f) Input tax credit shall be allowed during the return period. Refund of excess tax credit shall be allowed only after the end of the financial year.
- (2) Partial input tax credit is to be made where inputs are used in the following circumstances :-
- (a) Where sale consists of both taxable and exempted goods.
 - (b) Where sale consists of sale and dispatch in the form of consignment and stock transfer to other states.
 - (c) Where inputs are used for any other purposes in addition to use in the course of business.

Provided that input tax credit shall be proportionate to taxable sale out of total sales ;

Provided further that in case of consignment transfer, so much of input tax credit shall be given as may be prescribed.

(3) Input tax credit shall be allowed for purchase of goods made within the State of Tripura from a registered dealer holding a valid certificate of registration and which are intended for the purpose of -

- (a) sale or resale by him in the State of Tripura; or
- (b) use as raw material or as capital goods in the manufacturing and processing of goods other than those exempted from tax under this Act intended for sale in the State of Tripura; or
- (c) sale in the course of export out of the territory of India; or
- (d) for use as containers for packing of goods other than those exempted from tax under this Act for sale or resale in the State of Tripura;

Provided that if purchases are used partially for the purposes specified in this sub-section, input tax credit shall be allowed proportionate to the extent they are used for the purposes specified in this sub-section.

(4) Input tax credit shall not be claimed by the dealer until the tax period in which the dealer receives the tax invoice in original containing the prescribed particulars of the sale evidencing the amount of the input tax :

Provided that for good and sufficient reasons to be recorded in writing and in the prescribed manner, the Commissioner may allow such credit subject to such conditions and restrictions as may be prescribed.

- (5) A registered dealer who intends to claim input tax credit under sub-section (1) shall, for the purpose of determining the amount of input tax credit, maintain accounts, and such other records as may be prescribed in respect of the purchases and sales made by him in the State of Tripura.
- (6) No input tax credit under sub-section (1) shall be claimed or be allowed to a registered dealer -
- (i) in respect of any taxable goods under this Act purchased by him from another registered dealer for resale but give away by way of free sample or gift;
 - (ii) who has been permitted by the Commissioner for composition of tax at a percentage of the turnover of sales in lieu of VAT as provided under section 15;
 - (iii) in respect of capital goods of traders in the initial year i.e. the input tax credit on capital goods would be confined to manufacturers;
 - (iv) in respect of goods brought from outside the State against the tax paid in other States;
 - (v) in respect of stock of goods remaining unsold at the time of closure of business;
 - (vi) in respect of goods purchased on payment of tax, if such goods are not sold because of any theft, destruction or damage for any reason;
 - (vii) where the tax invoice is –
 - (a) not available with the dealer, or

- (b) there is evidence that the same has not been issued by the selling dealer from whom the goods are purported to have been purchased;
- (viii) in respect of goods purchased from a dealer whose certificate of registration has been suspended;
- (ix) in respect of goods used for transfer of stock other than by way of sale outside the State of Tripura;
- (x) in respect of sales exempt from tax as specified in Schedule III.
- (xi) in respect of raw materials used in manufacture or processing of goods where the finished products are despatched other than by way of sales :

Provided that in respect of transactions falling under item (ix), input tax credit may be allowed on the tax paid in excess of 4% on the raw materials used directly in the manufacture of the finished products.

- (7) The Commissioner may, after giving sufficient reasons in writing, reject the method adopted by the registered dealer in a year to determine the extent to which goods are used, consumed or supplied or intended to be used, consumed or supplied, in the course of making taxable sales and calculate the amount of input tax credit after giving the registered dealer concerned an opportunity of being heard.

11. Input tax credit exceeding tax liability – (1) If the input tax credit of a registered dealer other than an exporter selling goods outside the territory of India determined under section 10 of this Act for a period exceeds the output tax for that period, the excess credit shall be set off

- against any outstanding tax, penalty or interest under this Act or CST Act, 1956.
- (2) The excess input tax credit after adjustment under sub-section (1) may be carried over as an input tax credit to the subsequent period or periods but shall not be carried beyond the end of next financial year.
- 12. Adjustment of input tax credit :-** Where any purchaser, being a registered dealer, has been issued with a credit note or debit note in terms of sub-section (1) of section 17 or if he returns or rejects goods purchased, as a consequence of which, the input tax credit availed by him in any period in respect of which the purchase of goods relates, becomes less or excess, he shall compensate such less credit or excess credit by adjusting the amount of tax credit allowed to him in respect of the tax period in which the credit note or debit note has been issued or goods are returned subject to conditions as may be prescribed.
- 13. Export :-** (1) Export from India will be zero rated i.e. the tax applicable to the exported commodity would be zero and credit / refund would be available for VAT paid under this Act on input used by them.
- (2) Sale of goods to International Organisations specified in Schedule I and official and private purchases by the Diplomatic Missions / Consulates shall be deemed to be sale of goods in the course of export out of territory of India and shall be entitled to zero rating as provided.
- (3) Supplies from domestic tariff area to Special Economic Zone and Export Oriented Units would be zero rated and the supplying units would get credit/ refund for VAT paid on inputs used by them.

14. Burden of proof :- In respect of any sale effected by a dealer, the burden of proving that he is entitled to deduction under sub-section (2) of section 5 or that he is eligible to input tax credit under section 10 shall be on him.

15. Composition of tax by certain registered dealers :- (1) All registered dealers whose gross turnover of sales does not exceed rupees ten lakhs, subject to such conditions and restriction as may be prescribed shall, pay in lieu of the tax as specified under section 5, a tax at such percentage of the entire taxable turnover of such sales and purchases as the Government may, by order, notify, subject to the condition that no input tax credit shall be available to such dealers and no tax invoice shall be issued by such dealers :

Provided that payment of tax under this section shall not apply to a registered dealer who imports goods from outside the state or manufactures or processes goods within the state for the purpose of carrying out his business.

Provided further that a registered dealer may, by exercising option in the prescribed manner, elect to pay tax as specified under section 5 of this Act in lieu of the provisions of this section.

(2) Notwithstanding anything contained anywhere in the Act, the Government may, by notification in the official Gazette, specify any dealer or class of dealers to pay lump sum tax in lieu of tax payable under section 9 of this Act.

16. Powers of Government to amend Schedule:- The Government, after giving by notification not less than 14 days notice of the intention to do so, may, by notification, add to, amend or alter any Schedule to this Act.

- 17. Credit notes and Debit notes :-** (1) Where a tax invoice has been issued and the amount shown as tax charged in the tax invoice exceeds the tax payable under this Act in respect of that sale, the registered dealer making the sale shall provide the purchaser with a credit note containing the requisite particulars as may be prescribed.
- (2) Where the tax invoice has been issued and the tax payable under this Act in respect of the sales exceeds the amount of tax charged in that tax invoice, the registered dealer making the sales shall provide the purchaser with a debit note containing the requisite particulars as may be prescribed.
- (3) In case of goods returned or rejected by the purchaser, a credit note shall be issued by the selling dealer to the purchaser and a debit note will be issued by the purchaser to the selling dealer containing the particulars as may be prescribed.

Chapter III

TAXING AUTHORITY AND TRIBUNAL

- 18.** (1) The State Government may, for carrying out the purposes of this Act, appoint a Commissioner of Taxes, and such other persons to assist him as it thinks fit.
- (2) Persons appointed under sub-section (1) shall exercise such powers as may be conferred, and perform such duties as may be required, by or under this Act.
- (3) The State Government may, instead of appointing any person under sub-section (1), invest, by notification, any officer to exercise any power under this Act and also specify therein the area, in which, power is to be exercised and thereupon such

officer or officers shall be deemed to have been appointed under sub-section (1).

- (4) The State Government may, by notification in the Official Gazette, constitute a Tribunal to be called the Tripura Value Added Tax Tribunal. The Tribunal shall consist of such number of members as the State Government may think to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.
- (5) The qualifications, conditions of service and tenure of the members constituting the Tribunal shall be such as may be prescribed.
- (6) No decision or action of the Tribunal shall be called in question merely on the ground of any vacancy in the Tribunal.
- (7) The functions of the Tribunal may be discharged by any of the members sitting either singly or in Benches of two or more members, as may be determined by the Chairman. If the members of a Bench are divided, the decision shall be the decision of the majority, if there be a majority; but if the members are equally divided, they shall state the point or points on which they differ, and the case shall be referred by the Chairman of the Tribunal for hearing on such point or points to one or more of the members of the Tribunal; and such point or points shall be decided according to the majority of the members of the Tribunal who heard the case including those who first heard it:

Provided that, if at any time, the Tribunal consists of only two members, the decision of the Tribunal shall be that of the Chairman in such cases.

- (8) Subject to the previous sanction of the State Government, the Tribunal shall for the purpose of regulating its procedure (including the place or places at which the Tribunal, the Benches or the members thereof shall sit) and providing the rules of Business, make regulations consistent with the provisions of this Act and the rules made thereunder;

Provided that the regulations so made shall be published in the Official Gazette.

- (9) All persons appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Chapter - IV

REGISTRATION

- 19. Compulsory registration of dealers – (1)** No dealer, while being liable to pay tax under this Act, shall carry on business as a dealer unless he has been registered and possesses a certificate of registration;

Provided that a dealer liable to pay tax shall be allowed thirty days' time from the date from which he is first liable to pay such tax to get himself registered.

- (2) Every dealer required by sub-section (1) to be registered shall make application in this behalf in the prescribed manner to the Commissioner and such application shall be accompanied by a

- declaration in the prescribed form duly filled in and signed by the dealer specifying therein the class or classes of goods dealt in or manufactured by him.
- (3) If the said authority is satisfied after such enquiry as may be deemed necessary that an application for registration is in order, he shall, in accordance with such manner, grant registration to the applicant and issue a certificate of registration in the prescribed form which shall specify the class or classes of goods dealt in or manufactured by him.
 - (4) Where the application for registration is made under this section, the Commissioner shall grant him the certificate of registration from the date of order granting such registration:
 - (5) The Commissioner may, from time to time, amend any certificate of registration in accordance with information furnished or otherwise received, and such amendment may be made with retrospective effect in such circumstances and subject to such restrictions and conditions as may be prescribed.
 - (6) When -
 - (a) any business in respect of which a certificate of registration has been granted to a dealer on an application made, has been discontinued, or
 - (b) a dealer has ceased to be liable to pay tax; or
 - (c) an incorporated body is closed down or if it otherwise ceases to exist; or
 - (d) the owner of an ownership business dies leaving no successor to carry on business; or
 - (e) in case of a firm or association of persons if it is dissolved ; or
 - (f) a person or dealer is registered by mistake ; or

(g) a dealer fails to furnish return and pay tax and interest according to such return or returns within the time extended;

the Commissioner may cancel the registration of such dealer.

- (7) The cancellation of registration will take effect from the date as ordered by the Commissioner.
- (8) When any dealer, to whom a certificate of registration is granted, has failed to pay any tax, penalty or interest payable under this Act or has failed to furnish return, the certificate of registration of such dealer may be suspended by the Commissioner.

Provided that the certificate of registration of a dealer shall not be suspended if he has furnished return or returns within the date prescribed in the notice and has paid tax, penalty or interest payable under this Act by such date, as the Commissioner may extend upon an application filed by the dealer within 15 days from the date by which he is required to file such return or returns or make payments of tax, interest or penalty, as the case may be.

- (9) Suspension of certificate of registration will be withdrawn and registration certificate shall be restored on an application made by the dealer on furnishing evidence of payment of all taxes and on furnishing of overdue return or returns within a reasonable time as granted by the Commissioner. If no step is taken by the dealer within such reasonable time, the registration certificate shall be cancelled.
- (10) No order under sub-section (6) or sub-section (8) shall be made unless the applicant, the person concerned or the dealer has been given an opportunity of being heard.
- (11) Every dealer after registration shall be continued to be a registered dealer until expiry of three consecutive years though his turnover may

not exceed the taxable limit during any tax period within these three years. If he continues to be not liable to pay tax during the entire period of three years, he shall be ceased to be a registered dealer.

- 20. Security to be furnished in certain cases :-** (1) The Commissioner may, for good and sufficient reasons to be recorded in writing, require the person who has applied for registration under section 19, or the dealer who has been registered, to furnish in the prescribed manner such security or such additional security as may be prescribed for securing proper and timely payment of tax or any other sum payable by him under this Act.
- (2) The Commissioner may, by order in writing and for good or sufficient reasons to be recorded therein, forfeit the whole or any part of the security or additional security referred to in sub-section (1) furnished by a dealer, for -
- (a) realising or recovery of tax or any other sum due, or
 - (b) recovery of any financial loss caused to the State Government due to negligence or default in not making proper use of or not keeping in safe custody, blank or unused prescribed form.
- (3) Where the security furnished by a dealer, is forfeited in whole or is rendered insufficient, such dealer shall, on demand by order of the Commissioner, furnish fresh or further security of the requisite amount or shall make up the deficiency, as the case may be, in such manner and within such period as may be specified by the Commissioner.
- (4) The Commissioner may, on application by a dealer, who has furnished security as required, refund in the prescribed manner any amount of

security or part thereof if such security is not required for the purposes for which it was furnished.

- (5) Security shall be furnished by a dealer, in such manner and by such time as may be specified in the order requiring to furnish, or demanding, such security.

- 21. Imposition of penalty for failure to get registered :-** (1) If a dealer, who is required to get himself registered within thirty days from the date from which he is first liable to pay tax, fails to get himself so registered, the Commissioner may, after giving the dealer an opportunity of being heard, by order impose by way of penalty a sum of rupees one thousand for each month of default :

Provided that no penalty shall be imposed under this sub-section in respect of the same fact for which a prosecution has been instituted and no such prosecution shall lie in respect of a fact for which a penalty has been imposed under this section.

- (2) If any penalty is imposed under sub-section (1), the Commissioner shall issue a notice in the prescribed form directing the dealer to pay such penalty by such date as may be specified in the notice, and the date to be specified shall not be less than fifteen days from the date of service of such notice and the penalty so imposed shall be paid by the dealer into a Government Treasury by the date so prescribed;

Provided that the Commissioner may, for reason to be recorded in writing, extend the date of such payment as specified in the notice in this behalf or allow such dealer to pay the penalty imposed in such number of instalments as he may determine.

- 22. Registration of Transporter :-** (1) No transporter, carrier, or transporting agent shall operate its transport business in Tripura relating to taxable goods without being registered by the Commissioner of Taxes.
- (2) Every transporter required by sub-section (1) to be registered shall apply for registration to the Commissioner in the prescribed manner and obtain a certificate of registration as prescribed.
- (3) After receipt of an application under sub-section (2), the Commissioner of Taxes shall, if he is satisfied after such enquiry as may be deemed necessary that the application is in order, register the applicant.
- (4) The Commissioner may for good or sufficient reason, demand from a registered transporter or a transporter who has applied for registration, reasonable security for protection of tax.
- (5) The Commissioner may suspend or cancel the certificate of registration of a transporter if the transporter, carrier or transporting agent carries on transport business in contravention of the Act and Rules.
- 23. Quoting of Registration Certificate Number etc. -** Any person registered under this Act, shall quote the Registration Certificate number or Tax Payers' Identification number issued by the Commissioner of Taxes in any of his returns, challans, notices or other documents used for the purposes of this Act.

Chapter - V
RETURNS AND ASSESSMENT

24. Periodical returns and payment of tax : (1) Every registered dealer shall furnish return in such form for such period, by such dates and to such authority, as may be prescribed :

Provided that the Commissioner may, subject to such conditions and restrictions as may be prescribed, exempt any such dealer or class of dealers from furnishing such returns or allow any such dealer –

- (a) to furnish them for such different periods; or
 - (b) to furnish a consolidated return relating to all or any of the places of business of the dealer in the State of Tripura for the said period or for such different periods and to such authority, as he may direct.
- (2) If the Commissioner has reason to believe that the turnover of sales of any dealer has exceeded the taxable limit as specified in sub-section (3) of section 3, he may, by notice served in the prescribed manner, require such dealer to furnish return as if he were a registered dealer, but no tax shall be payable by him unless his taxable turnover exceeds the taxable limit provided under sub-section (3) of section 3.
- (3) If any dealer having furnished returns under sub-section (1) or sub-section (2), discovers any omission or any other error in the return so filed, he may furnish a revised return before the expiry of three months next following the last date prescribed for furnishing the original return relating to the tax period.

- (4) Every dealer required to file return under sub-section (1) or sub-section (2) shall pay the full amount of tax payable according to the return or the differential tax payable according to the revised return furnished, if any, into the Government Treasury or in such other manner as may be prescribed, and shall furnish along with the return or revised return, as the case may be, a receipt showing full payment of such amount.
- (5) Every return under this section shall be signed and verified –
- (a) in case of an individual, by the individual himself, and where the individual is absent, by some person duly authorized by him in this behalf ;
 - (a) in case of a Hindu Undivided family, by the Karta ;
 - (b) in the case of a company or local authority, by the Principal Officer or Chief Executive thereof ;
 - (c) in the case of a firm, by any partner thereof not being a minor ;
 - (d) in the case of any other association, by the person competent to act on behalf of the association.

Explanation :- For this purpose, the expression “Principal Officer” shall have the meaning assigned to it under clause (35) of section 2 of the Income Tax Act, 1961.

- 25. Return defaults :-** (1) If a dealer required to file return under sub-section (1) or sub-section (2) of section 24 -
- (a) fails without sufficient cause to pay the amount of tax due as per the return for any tax period ; or

(b) furnishes a revised return under sub-section (3) of section 24 showing a higher amount of tax to be due than was shown by him in the original return ; or

(c) fails to furnish return ;

such dealer shall be liable to pay interest in respect of -

(i) the tax payable by him according to the return, or

(ii) the difference of the amount of tax according to the revised return ; or

(iii) the tax payable for the period for which he has failed to furnish return;

at the rate of one and half percent per month from the date the tax payable had become due to the date of its payment or to the date of order of assessment, whichever is earlier.

(2) 'Month' shall mean thirty days and the interest payable in respect of a period of less than one month shall be treated as a full month.

(3) If a registered dealer, without sufficient cause, fails to pay the amount of tax due and interest along with return or revised return in accordance with the provisions of sub-section (1), the Commissioner may, after giving the dealer reasonable opportunity of being heard, direct him to pay in addition to the tax and interest payable by him a penalty, not exceeding one and half times of the tax due but which shall not be less than 10% of that amount.

(4) If a registered dealer or any other dealer required to furnish return under sub-section (2) of section 24 without any sufficient cause -

- (a) fails to comply with the requirements of the notice issued under sub-section (2) of section 24; or
 - (b) fails to furnish any return by the prescribed date as required under sub-section (2) of section 24; or
 - (c) being required to furnish revised return, fails to furnish the revised return by the date prescribed under sub-section (3) of section 24; or
 - (d) having paid the tax payable according to a return in time, fails to furnish along with the return proof of payment made in accordance with sub-section (4) of section 24 ;
- the Commissioner may, after giving the dealer reasonable opportunity of being heard, direct him to pay in addition to any tax, interest and penalty under sub-section (3) payable or paid by him, a penalty of a sum of rupees one hundred per day of default subject to a maximum of rupees ten thousand.
- (5) Any penalty imposed under this section shall be without prejudice to any prosecution for any offence under this Act.
 - (6) For the purposes of this Act, any return signed by a person who is not authorized under sub-section (5) of section 24 shall be treated as if no return has been filed.

26. Rounding off of the amount of tax, interest or penalty :- The amount of tax, interest or penalty payable or refundable for any period 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, 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.

27. Scrutiny of returns :- (1) Each and every return in relation to any tax period furnished by a registered dealer to whom notice has been issued by the Commissioner under section 24 shall be subject to scrutiny by the Assessing Authority to verify the correctness of calculation, application of correct rate of tax and interest and input tax credit claimed therein; and full payment of tax and interest payable by the dealer during such period.

(2) If any mistake is detected as a result of such scrutiny made as per the provisions of sub-section (1), the Commissioner of Taxes shall serve a notice in the prescribed form on the dealer to make payment of the extra amount of tax along with the interest as per the provisions of this Act, if it is payable, by a date specified in the said notice.

28. Tax audit :- (1) The Commissioner or any other tax officer as directed by him shall undertake tax audit of the records, stock in trade and the related documents of the dealer who are selected by the Commissioner in the manner as may be prescribed for the purpose.

Provided that the audit wing shall be delinked from tax collection wing as may be prescribed.

(2) The tax audit shall be generally taken up in the office, business premises or warehouse of the dealer.

(3) For the purpose of tax audit under sub-section (1) the Commissioner or any other tax officer directed by him shall examine the correctness of return or returns filed and admissibility of various claims including input tax credit.

29. Self assessment :- (1) Subject to provisions of sub-section (2) of this section, the amount of tax due from a registered dealer or a dealer

- liable to be registered under this Act shall be assessed in the manner hereinafter provided, for each tax period or tax periods during which the dealer is so liable.
- (2) Notwithstanding anything contained in this section, if a registered dealer has failed to furnish return or returns under sub-section (1) of section 25 in respect of any tax period or periods, the Commissioner shall proceed to make provisional assessment under section 30.
 - (3) If a registered dealer has filed the return of any tax period within the prescribed time and the return so filed is found to be in order, it shall be accepted as self-assessment subject to adjustment of any arithmetical error apparent on the face of the said return.
- 30. Provisional assessment :-** (1) Where a registered dealer fails to furnish the return in respect of any tax period within the prescribed time, the Commissioner shall, notwithstanding anything contained in section 31, proceed to assess the dealer provisionally for the period of such default.
- (2) The provisional assessment under sub-section (1) shall be made on the basis of past returns, or past records, where no such returns are available, on the basis of information received by the Commissioner and the Commissioner shall direct the dealer to pay the amount of tax assessed in such manner and by such date as may be prescribed.
 - (3) If the dealer furnishes return along with evidence showing full payment of tax, interest and penalty, if any, on or before the date of payment specified under sub-section (2), the provisional assessment made under sub-section(1) shall stand revoked to the extent of the tax

demanded, interest levied and penalty imposed, on the date on which such return is filed by the dealer.

- (4) Nothing contained in this section shall prevent the Commissioner from making assessment under section 31 and any tax, interest or penalty paid against provisional assessment shall be adjusted against tax, interest and penalty payable on final assessment under that section.

31. Audit assessment :- (1) Where

- (a) a registered dealer has failed to furnish any return under sub-section (1) of section 25 in respect of any period; or
- (b) a registered dealer is selected for audit assessment by the Commissioner on the basis of any criteria or on random basis; or
- (c) the Commissioner is not satisfied with the correctness of any return filed under section 24, or bona fides of any claim of exemption, deduction, concession, input tax credit or genuineness of any declaration, evidence furnished by a registered dealer in support thereof; or
- (d) the Commissioner has reasons to believe that detailed scrutiny of the case is necessary,

the Commissioner may, notwithstanding the fact that the dealer may already have been provisionally assessed under section 30, serve on such dealer in the prescribed manner a notice requiring him to appear on a date and place specified therein, which may be in the business premises or at a place specified in the notice, to either attend and produce or cause to be produced the books of account and all evidence

- on which the dealer relies in support of his returns including tax invoice, if any, or to produce such evidence as specified in the notice.
- (2) The dealer shall provide all cooperation and assistance to the Commissioner to conduct the proceedings under this section at his business premises.
 - (3) If proceedings under this section are to be conducted at the business premises of the dealer and it is found that the dealer or his authorized representative is not available or not functioning from such premises, the Commissioner shall assess to the best of his judgement the amount of tax due from him.
 - (4) If the Commissioner, after considering all the evidences produced in course of the proceedings or collected by him, is satisfied that any dealer -
 - (a) has not furnished return in respect of any period by the prescribed date; or
 - (b) has furnished incomplete and incorrect return for any period ; or
 - (c) has failed to comply with any notice under sub-section (1) or sub-section (3) ; or
 - (d) has failed to maintain accounts in accordance with the provisions of this Act or has not regularly followed any method of accounting ;the Commissioner shall assess to the best of his judgement the amount of tax due from such dealer.
 - (5) If the Commissioner is satisfied that the dealer, in order to evade or avoid payment of tax –
 - (a) has failed to furnish without reasonable cause, returns in respect of any period by the prescribed date ; or

- (b) has furnished incomplete and incorrect returns for any period ;
or
- (c) has availed himself of tax credit to which he is not entitled to ;
or
- (d) has followed such method of accounting which does not enable
the Commissioner to assess the tax due from him ;

he shall, after giving the dealer reasonable opportunity of being heard, direct him to pay, in addition to tax and interest payable by him, a penalty not exceeding one and half times of the tax due but which shall not be less than 10% of that amount.

- 32. Assessment of dealer who fails to get himself registered :-** (1) If the Commissioner, upon information which has come into his possession, is satisfied that any dealer who has been liable to pay tax under this Act, in respect of any period, has failed to get himself registered, the Commissioner shall proceed in such manner as may be prescribed to assess to the best of his judgement the amount of tax due from the dealer in respect of such period and all subsequent periods and in making such assessment shall give the dealer reasonable opportunity of being heard.
- (2) The Commissioner may, if he is satisfied that the default was without reasonable cause, direct that the dealer shall pay, in addition to the amount of tax so assessed, such amount as interest and penalty as prescribed in section 25.

33. No assessment after five years :- (1) No assessment under section 31 and 32 shall be made after the expiry of five years from the end of the tax period to which the assessment relates;

Provided that in case of offence under this Act for which proceeding for prosecution has been initiated, the limitation as specified in this sub-section shall not apply.

(2) Any assessment made or penalty imposed under this Chapter shall be without prejudice to prosecution for any offence under this Act.

34. Turnover escaping assessment :- (1) Where after a dealer is assessed under section 29 or section 30 for any year or part thereof, the Commissioner has reason to believe that the whole or any part of the turnover of the dealer in respect of any period has -

- (a) escaped assessment ; or
- (b) been under assessed ; or
- (c) been assessed at a rate lower than the rate of which it is assessable ; or
- (d) been wrongly allowed any deduction therefrom ; or
- (e) been wrongly allowed any credit therein,

the Commissioner may, serve a notice on the dealer and after giving the dealer reasonable opportunity of being heard and making such enquiries as he considers necessary, proceed to the assess to the best of his judgement, the amount of tax due from the dealer in respect of such turnover, and the provisions of this Act shall, so far as may be, apply accordingly.

(2) No order of assessment shall be made under sub-section (1) after the expiry of five years from the end of the year in respect of which or part of which the tax is assessable.

35. Exclusion of time period for assessment :- In computing the period of limitation specified for assessment or reassessment, as the case may be, the time during which any assessment or reassessment proceeding remained stayed under the order of a competent Court shall be excluded.

36. Power of reassessment in certain cases :- (1) Where any order passed by the Commissioner in respect of a dealer for any period is found to be erroneous or prejudicial to the interest of revenue consequent to, or in the light of any judgement or order of any Court or Tribunal, which has become final, then notwithstanding anything contained in this Act, the Commissioner may proceed to reassess the tax payable by the dealer in accordance with such judgement or order, at any time within a period of three years from the date of the judgement or order.

(2) Where any Court or Tribunal passes an order in appeal or revision to the effect that any tax assessed under this Act or the Central Sales Tax Act, 1956 should have been assessed under the provision of a law other than that under which it was assessed, then in consequence of such order or to give effect to any finding or direction contained in such order such turnover and part thereof, may be assessed or reassessed, as the case may be, to a tax at any time within five years from the date of such order, notwithstanding any limitation period

which would otherwise be applicable to the assessment or reassessment made.

Chapter - VI
PAYMENT AND RECOVERY OF TAX, PENALTY,
INTEREST, AND OTHER DUES

- 37. Payment and Recovery of Tax, Penalty and Interest :** (1) Tax shall be paid in the manner herein provided and at such intervals as may be prescribed.
- (2) A registered dealer furnishing returns under sub-section (1) of section 24 shall pay into Government treasury, in such manner and at such interval as may be prescribed, the amount of tax due from him for the period covered under the return along with the amount of penalty or interest or both payable by him under section 24 and shall furnish a receipt from the Treasury showing the payment of such amount.
- (3) A registered dealer furnishing a revised return in accordance with the sub-section (3) of section 24, which shows that a greater amount of tax is due than was paid or payable in accordance with the original return, shall furnish along with the return a receipt showing payment of the differential amount in the manner provided in sub-section (2).
- (4) (a) The amount of tax –
- (i) due where returns have been filed without full payment of tax due; or
 - (ii) assessed under section 29, section 30 and section 31 less the sum already paid in respect of such period together with interest, if any, required to be paid and the penalty,

if any, imposed to be paid under sub-section (5) of section 31 or sub-section (2) of section 32.

- (b) the amount of penalty imposed under any provision of this Act not covered under sub-clause (ii) of clause (a); or
- (c) any other dues under this Act.

shall be paid by the dealer into Government Treasury by such date as specified in the demand notice.

- (5) Where a dealer fails to make payment of the tax assessed or interest levied or penalty imposed on him or any other amount due from him under this Act within thirty days of the date of service of the notice of demand, the Commissioner may, after giving the dealer reasonable opportunity of being heard, direct that such dealer shall, in addition to the amount due pay, by way of penalty, a sum equal to 2% of such amount of tax, penalty, interest or any other amount due, for every month, for the period for which payment has been delayed by him after the date on which such amount was due to be paid.
- (6) The amount that remains unpaid after the due date of payment in pursuance of the notice issued under sub-section (4) and sub-section (5) shall be recoverable as arrears of land revenue, or in accordance with the provisions contained in section 38.
- (7) Where in pursuance of sub-section (6), any proceeding for the recovery as an arrears of land revenue of any tax, penalty, interest or part thereof or any other amount remaining unpaid, have been commenced and the amount of tax, penalty, interest or any other amount is subsequently enhanced or reduced as a result of any assessment made or order passed in the appeal, revision or rectification under this Act, the Commissioner may, in such manner

and within such period as may be prescribed, inform the dealer and the authority by whom or under whose order the recovery is to be made and thereupon such proceeding may be continued as if the amount of tax, penalty, interest or any other amount as modified, enhanced or reduced, had been substituted for the tax, penalty, interest or any other amount which was to be covered under sub-section (6).

- 38. Special mode of recovery :-** (1) Notwithstanding anything contained in any law or contract, the Commissioner may at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the dealer at his last known address) require any person who holds or may subsequently hold any money for, or on account of such dealer, to pay into Government Treasury in the manner specified in the notice, either forthwith or upon the money becoming due or being held, or at or within the time specified in the notice not being before money becomes due or is held, so much of the money as is sufficient to pay the amount of tax due from the dealer or penalty or both, as the case may be, under this Act, or the whole of the money when it is less than that amount.
- (2) The Commissioner may, from time to time, amend or revoke any notice under sub-section (1) or extend the time for making such payment in pursuance of the notice.
- (3) Any person making any payment in compliance with a notice issued under sub-section (1) shall be deemed to have made the payment under the authority of the dealer and the receipt from the Government Treasury shall be construed a good and sufficient discharge of the

- liability of such person to the dealer to the extent of the amount specified in the receipt.
- (4) Any person discharging liability to the dealer after service on him the notice issued under sub-section (1) shall, if the liability is discharged in any manner other than that required under the said notice, be personally liable to the State Government to the extent of the liability discharged or to the extent of the liability of the dealer for tax or penalty, or both, whichever is less.
 - (5) Where a person on whom a notice is served under sub-section (1) proves to the satisfaction of the Commissioner that the money demanded or any part thereof were not due to the dealer, or that he did not hold any money for or on account of the dealer, at the time the notice was served on him, nor is the money demanded or any part thereof is likely to become due to the dealer or be held for or on account of the dealer, then such person shall not be liable to pay into Govt. treasury any such money or part thereof.
 - (6) Any amount of money which a person is required to pay under sub-section (1) or for which he is personally liable under sub-section (4) shall, if it remains unpaid, be recoverable in the same manner as provided under sub-section (6) of section 38.
 - (7) Provisions of this section shall be without prejudice to any action that may be or is being taken under section 37 for recovery from the dealer the amount due from him.
- 39. Collection of tax only by registered dealers :-** (1) No person who is not a registered dealer shall collect in respect of any sale of goods by him in the state of Tripura any amount by way of tax under this Act

and no registered dealer shall make any such collection except in accordance with the provisions of this Act and the Rules made thereunder and not beyond the rate specified.

Notwithstanding anything contained in this sub-section, a registered dealer who has been permitted by the Commissioner for composition of tax under section 15 shall not collect any sum by way of tax on the sale of goods during the period to which such payment relates.

- (2) If any person -
- (a) not being a dealer liable to pay tax under this Act, collects any sum by way of tax ; or
 - (b) being a registered dealer, collects any amount by way of tax in excess of the tax payable by him.

shall be liable, in addition to the tax for which he may be liable, to a penalty of an amount equal to twice the sum so collected by way of tax.

- (3) If the Commissioner in the course of any proceeding under this Act or otherwise has reason to believe that any person has become liable to a penalty, or forfeiture, or both, under sub-section (2), he shall serve on such person a notice in the prescribed form requiring him to appear and show cause as to why a penalty or forfeiture or both of any sum as provided under sub-section (2) should not be imposed on him. The Commissioner may thereupon hold an inquiry as he deems necessary and shall make such order as he deems fit.

- 40. Collection of excess tax and forfeiture of such excess tax :-**(1) No person shall collect any sum by way of tax in respect of sale of any goods on which no tax is payable under the Act.
- (2) No dealer shall collect any amount by way of tax in excess of amount of tax payable under the Act.
- (3) Whoever contravenes the provision of this section shall, by an order of the Commissioner, be liable to pay penalty which may extend to two thousand rupees.
- (4) Any amount of tax collected, in excess of the rate specified under this Act, shall be liable to be forfeited to the Government by an order of the Commissioner.
- 41. Sales not liable to tax :-** (1) Notwithstanding anything contained in this Act, a Value Added Tax shall not be imposed under this Act –
- (i) Where such sale or purchase takes place in the course of interstate trade and commerce ; or
- (ii) where such sale or purchase takes place in the course of import of goods into the territory of India or export of goods out of the territory of India.
- (2) For the purpose of this section, whether a sale or purchase takes place -
- (i) outside the State of Tripura ; or
- (ii) in the course of interstate trade and commerce ; or
- (iii) in the course of import of goods into the territory of India or export of goods out of the territory of India
- shall be determined in accordance with the provisions of section 3, section 4, and section 5 of the Central Sales Tax Act, 1956.

42. Tax to be first charge on property :- Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by a dealer or other person under this Act on account of tax, penalty or interest shall be a first charge on the property of the dealer or such person.

43. Refund :- (1) Subject to other provisions of this Act and the Rules made thereunder, the Commissioner shall, refund to a dealer the amount of tax, penalty and interest, if any, paid by such dealer in excess of the amount due from him.

(2) Where any refund is due to any dealer according to return furnished by him for any period, such refund may provisionally be adjusted by him against the tax due or tax payable as per the returns filed under section 24 for any subsequent period in the year;

Provided that, the amount of tax or penalty, interest or sum forfeited or all of them due from, and payable by the dealer on the date of such adjustment shall first be deducted from such refund before adjustment.

44. Provisional refund :- (1) If a registered dealer has filed any return as required under this Act and the return shows any amount to be refundable to the dealer on account of sales in course of export out of the territory of India, then the dealer may apply in the manner and form prescribed to the Commissioner for grant of provisional refund pending audit and investigation to establish the correctness of the claim and consequent assessment, if any.

- (2) Subject to the provisions of sub-section (3), the Commissioner may require the dealer to furnish a Bank Guarantee or other security as may be prescribed for an amount equal to the amount of refund and on receipt of such guarantee or other security, the Commissioner shall grant the dealer a provisional refund that may be determined as refundable.
- (3) The Commissioner may direct the assessment under section 34 of such dealer in respect of the year containing the period covered by the said return to be taken up as early as practicable and adjust the grant of provisional refund against tax due, if any, as a result of that assessment.
- (4) If, on assessment, the provisional refund granted under sub-section(2) is found to be in excess, then the excess shall be recovered as if it is tax due from the dealer under this Act.

45. Interest :- (1) A registered dealer entitled to refund in pursuance of any order under this Act (including assessment under section 29, section 30 or section 31) or in pursuance of any order by any Court, shall be entitled to receive, in addition to the refund, simple interest at the rate of five percent per annum for the period commencing after ninety days of the application claiming refund in pursuance to such order till the date on which the refund is granted.

- (2) The interest shall be calculated on the amount of the refund due after deducting therefrom any tax, interest, penalty or any other dues under this Act.

- (3) If, as a result of any order passed under this Act, the amount of such refund is enhanced or reduced such interest shall be enhanced or reduced accordingly.
- (4) When a dealer is in default or is deemed to be in default in making the payment under section 29, section 30 and section 31, he will be liable to pay simple interest on such amount at the rate of one and half percent per month from the date of such default for so long as he continues to make default in the payment of the said tax.
- (5) Where as a result of any final order the amount of tax (including any penalty) due or in default is wholly reduced, the amount of interest, if any, paid shall be refunded, or if such amount is modified, the interest due shall be calculated accordingly.
- (6) Where any amount of tax payable is enhanced by any such order, interest shall be payable on the amount by which the tax is enhanced after the expiry of a period of thirty days from the date of the order.
- (7) Where the realization of any amount remains stayed by the order of any court or authority and such order is subsequently vacated, interest shall be payable also for any period during which such order remained in operation.
- (8) The interest payable under this Act shall be deemed to be tax due under this Act.

46. Power to withhold refund in certain cases :- (1) Where an order giving rise to refund is the subject matter of an appeal or further proceeding or where any other proceeding under this Act is pending, and the Commissioner is of the opinion that the grant of such refund is likely to adversely affect the revenue and that it may not be possible

to recover the amount later, the Commissioner may withhold the refund till such time as he may determine.

- (2) Where a refund is withheld under sub-section (1), the dealer shall be entitled to interest as provided under sub-section (1) of section 45 if as a result of the appeal or further proceeding or any other proceeding, he becomes entitled to the refund.

47. Exemption of certain sales and purchases :- (1) Subject to such conditions as it may impose, the Government may, if it is necessary so to do in the public interest, by notification in the Official Gazette, exempt any sales or purchases made to or by a class of dealers or persons specified in the said notification from payment of the whole or any part of any tax payable under the provisions of this Act and any notification issued under this section may be issued so as to be retrospective to any date not earlier than the 1st April, 2005 and such exemption shall take effect from the date of the publication of the notification in the Official Gazette or such other earlier or later date as may be mentioned therein.

- (2) Where any dealer or person has purchased any goods under a declaration or certificate given by him under any notification issued under this section and-

(a) any of the conditions subject to which such exemption was granted, or

(b) any of the recitals or the conditions of the declaration, or certificate is not complied with for any reason whatsoever, then without prejudice to the other provisions of this Act, such dealer or person shall be liable to pay tax on the sale price of

the goods at the rate set out against each of such goods in the Schedule notwithstanding that such dealer or person was not liable to pay tax under any other provisions of this Act and accordingly the dealer or the person who has become liable to pay tax under this sub-section shall file a return in the prescribed form to the prescribed authority within a prescribed time and shall include the sale price of such turnover in his return, and pay the tax in the prescribed manner. The tax due from any such dealer or person shall be assessed and recovered as if the person or dealer is a dealer liable to be proceeded against under the provisions of this Act.

- (3) If the Commissioner has reason to believe that any person or dealer is liable to pay tax under sub-section (2), the Commissioner shall, after giving him a reasonable opportunity of being heard, assess the amount of tax so due.

Chapter - VII

ACCOUNTS AND RECORDS

- 48. Maintenance of accounts and records etc. :-** (1) Every registered dealer or a dealer to whom a notice has been served to furnish return under sub-section (2) of section 24 shall maintain a true and up-to-date account of the value of goods purchased or manufactured and sold by him or goods held by him in stock, and, in addition to the books of account that a dealer maintains and keeps for the purpose referred to in this sub-section, he shall maintain and keeps such registers and accounts in such form in the manner prescribed.

- (2) Every registered dealer or dealer referred to in sub-section (1) shall keep at his place of business all accounts, registers and documents maintained in the course of business.
- (3) Where a dealer as referred to in sub-section (1) has established branch offices of the business in the State other than the principal place of business, the relevant accounts, registers and documents in respect of each such branch shall, without prejudice to the provisions of sub-section (5), be kept by him at such branch.
- (4) If the Commissioner is of the opinion that the accounts maintained by any dealer or class of dealers do not sufficiently enable him to verify the returns referred to in sub-section (1) of section 24 or the assessment can not be made on the basis thereof, he may by an order, require such dealer or class of dealers, to keep such accounts, in such form and in such manner as he may, subject to rules made under this Act, direct.
- (5) If the Commissioner is satisfied that any dealer or class of dealers is not in a position to maintain accounts in accordance with the provisions of sub-section (1), he may, for reasons to be recorded in writing, exempt such dealer from the operation of the provisions of the said sub-section.

49. Accounts to be Maintained by Carriers: Notwithstanding anything contained in any other Act, any transporter, carrier or transporting agent operating its transport business in Tripura, shall maintain proper account of goods transported to or outside Tripura through it in the manner prescribed and shall on demand by the Commissioner be liable to furnish in the prescribed manner such information as the

Commissioner may require relating to the transportation of such goods and shall also be bound to produce books of accounts for inspection and examination by the Commissioner.

- 50. Tax Invoice :-** (1) Every registered dealer making a taxable sale to another registered dealer shall provide that purchaser at the time of sale with a tax invoice containing such particulars as specified in sub-section (2), and retain a copy thereof.
- (2) The tax invoice shall not be issued by a dealer in the following circumstances when the sale is made,-
- (a) to a registered dealer who has been permitted for composition of tax under section 15 in lieu of VAT, or
 - (b) in the course of export out of the territory of India; or
 - (c) in the course of inter State trade and commerce ; or
 - (d) in respect of goods exempt from tax as per schedule.
- (3) Not more than one tax invoice shall be issued for each taxable sale.
- (4) The tax invoice issued under sub-section (1) shall contain the following particulars on the original as well as copies thereof -
- (a) the word 'Tax Invoice' in bold letter at the top or any prominent place;
 - (b) the name, address and registration certificate number of the selling registered dealer;
 - (c) the name, address and registration certificate number of the purchasing registered dealer ;
 - (d) an individual serialized number and the date on which the tax invoice is issued ;

- (e) description, quantity, volume and value of goods sold and amount of tax charged thereon indicated separately ;
 - (f) signature of the selling dealer or his employee, manager or agent, duly authorized by him.
 - (g) the name and address of the printer, and first and last serial number of tax invoices printed and supplied by him to the dealer ;
- (5) Except when tax invoice is issued under sub-section (1), if a registered dealer sells any goods exceeding such amount in value as may be prescribed, in any one transaction to any person, he shall issue to the purchaser a retail invoice and retain a copy thereof.
- (6) The retail invoice shall contain the following particulars on the original as well as copies thereof, -
- (a) the words ‘Retail Invoice’ or ‘Cash Memo’ or ‘Bill’ in bold letters at the top or in a prominent place ;
 - (b) the name, address and registration certificate number of the selling registered dealer ;
 - (c) in case the sale is in course of export out of the territory of India, the name, address and registration number, if any, of the purchasing dealer/ foreign buyer and the type of statutory form, if any, against which the sale has been made ;
 - (d) an individual serialized number and the date on which the retail invoice is issued ;
 - (e) description, quantity, volume and value of goods sold inclusive of tax, charged thereon ;
 - (f) signature of the selling dealer or his employee, manager or agent, duly authorized by him ;

- (g) the name and address of the printer, and last serial number of retail invoices printed and supplied by him to the dealer.
- (7) Tax invoice shall be issued in triplicate. The original and the first copy shall be issued to the purchaser or the person taking delivery of the goods, as the case may be, and the second copy shall be retained by the selling dealer.
- (8) Retail invoice shall be issued in duplicate. The original shall be issued to the purchaser and the duplicate copy shall be retained by the selling dealer.
- (9) Every dealer referred to in sub-section (1) shall preserve books of account including tax invoices and retail invoices until the expiry of five years after the end of the year to which they relate or for such other period as may be prescribed or until the assessment reaches its finality whichever is later.
- (10) Where such dealer is party to any appeal, or revision under this Act, he shall retain, until the appeal or revision is finally disposed of, every record and accounts that pertain to the subject matter of the appeal or revision.

51. Electronic record :- Every dealer who maintains the records electronically shall retain them in electronically readable format for the period specified in section 48.

52. Requirement to provide information :- Notwithstanding anything contrary to the provisions of this Act, the Commissioner may, for any purpose related to the administration or enforcement of the provisions of this Act, by notice, require any person to provide Commissioner,

within such reasonable time as is stipulated in the notice, with any information or additional information including a return under this Act, or any document including electronic records.

- 53. Audit of accounts :-** (1) Where in any particular year, the gross turnover of a dealer exceeds forty lacs rupees or such other amount as the Commissioner, may, by notification in the official Gazette specify, then such dealer shall get his accounts, in respect of that year audited by an accountant within six months from the end of that year and obtain a report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.
- (2) A true copy of such report shall be furnished by such dealer to the Commissioner by the end of the month after expiry of the period of six months during which the audit would have been completed.
- (3) If any dealer liable to get his accounts audited under sub-section (1) fails to get his accounts audited and furnish a true copy of the audit report within the time specified in sub-section (2), the Commissioner shall, after giving the dealer a reasonable opportunity of being heard, impose on him, in addition to any tax payable, a sum by way of penalty equal to 0.1% of the turnover as he may determine to the best of his judgement in his case in respect of the said period.

Explanation :- For the purpose of this section, “Accountant” means (i) a Chartered Accountant within the meaning of the Chartered Accountant Act, 1949 and includes a person who by virtue of the provisions of sub-section (2) of section 226 of the Companies Act, 1956 is entitled to be appointed to act as an auditor of Companies

registered under the said Act or (ii) a Cost Accountant within the meaning of the Cost and Works Accountant Act, 1959.

- 54. Dealer to declare the name of his business manager :-** (1) Every dealer, who is liable to pay tax, and who is a Hindu Undivided Family or an association of persons, club or society, firm or company, or who is engaged in business as the guardian or trustee or otherwise on behalf of another person, shall within the period prescribed, furnish a declaration in the manner prescribed stating the name of the person or persons who shall be deemed to be manager or managers of such dealer's business for the purpose of this Act.
- (2) Such declaration shall be furnished at the time of registration, wherever applicable and shall be revised from time to time.
- (3) The statement furnished under this sub-section shall also contain the name and address with designation in relation to the business of such persons who are authorized to receive notice and other documents under this Act and such service on whom shall be binding on the dealer.

Chapter - VIII

LIABILITY IN SPECIAL CASES

- 55. Liability to pay tax in case of death :-** (1) Where a dealer, liable to pay tax under this Act, dies then -

- (a) If the business carried on by the dealer is continued after his death by his legal representative or any other person, such legal representative or other person shall be liable to pay tax including any penalty, sum forfeited and interest due from such dealer under this Act or under any earlier law, in the like manner and to the same extent as the deceased dealer, and
- (b) If the business carried on by the dealer is discontinued whether before or after his death, his legal representative shall be liable to pay out of the estate of the deceased, in the like manner and to the same extent as the deceased dealer would have been liable to pay if he had not died, the tax including any penalty, sum forfeited and interest due from such dealer under this Act or under any earlier law,

whether such tax including any penalty, sum forfeited and interest has been assessed before his death but has remained unpaid, or is assessed after his death.

- (2) Where a dealer, liable to pay tax under this Act, is a Hindu Undivided family and the joint family property is partitioned amongst the various members or groups of members, then each member or group of members shall be jointly and severally liable to pay the tax including any penalty, sum forfeited and interest due from the dealer under this Act or under any earlier law, up to the time of the partition, whether such tax including any penalty, sum forfeited and interest has been assessed before partition but has remained unpaid, or is assessed after partition.
- (3) Where a dealer liable to pay tax under this Act, is a firm, and the firm is dissolved, then every person who was a partner shall be jointly and

severally liable to pay to the extent to which he is liable under section 57, the tax including any penalty, a sum forfeited and interest due from the firm under this Act or under any earlier law, up to the time of dissolution, whether such tax including any penalty, sum forfeited and interest has been assessed before such dissolution but has remained unpaid, or is assessed after dissolution.

(4) Where a dealer, liable to pay tax under this Act, transfers or otherwise disposes of his business in whole or in part, or effects any change in the ownership thereof, in consequence of which he is succeeded in the business or part thereof by any other person, the dealer and the person succeeding shall jointly and severally be liable to pay the tax including any penalty, sum forfeited and interest due from the dealer under this Act or under any earlier law, up to the time of such transfer, disposal or change, whether such tax including any penalty, sum forfeited and interest has been assessed before such transfer, disposal or change but has remain unpaid, or is assessed thereafter.

(5) where the dealer, liable to pay tax under this Act, -

(a) is the guardian of a ward on whose behalf the business is carried out by the guardian, or

(b) is trustee who is carrying on the business under a trust for the beneficiary, then,

if the guardianship or the trust is terminated, the ward or the beneficiary, as the case may be, shall be liable to pay the tax including any penalty, sum forfeited and interest due from the dealer up to the time of termination of the guardianship or trust, whether such tax including any penalty, sum forfeited and interest has been assessed

before the termination of the guardianship or trust, but has remain unpaid, or is assessed thereafter.

- (6) Where a dealer liable to pay tax under this Act is succeeded in the business by any person in the manner described in clause (a) of sub-section (1) or in sub-section (4), then such person shall be liable to pay tax on the sales or purchases of goods made by him on and after the date of such succession and shall (unless he already holds a certificate of registration) within thirty days thereof apply for registration.

56. Certain agents liable to tax for sales on behalf of principal :- (1)

Where any person sells or purchases any taxable goods on behalf of his principal then such person and his principal shall both be jointly and severally liable to pay taxes on the turnover of such sales or purchases.

Provided, if the principal, on whose behalf the commission agent has sold or purchased any goods, shows to the satisfaction of the Commissioner that the tax has been paid by such commission agent on such goods, the principal shall not be liable to pay the tax again in respect of the same transaction.

- (2) Where a manager or agent of a non-resident dealer sells or purchases any goods on behalf of a non-resident dealer in the State, then the non-resident dealer and the manager or agent residing in the State, shall be jointly and severally liable to pay tax on the turnover of such sales or purchases;

Provided that, if the non-resident dealer shows to the satisfaction of the Commissioner that the tax payable in respect of

such sale or purchase has been paid by the manager or agent residing in the State, then the non-resident dealer shall not be liable to pay in respect of the same transaction.

57. Liability of Partners :- (1) Notwithstanding anything contained in the Indian Partnership Act, 1932 or any contract to the contrary, where any firm is liable to pay tax under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payments and accordingly any notice or order under this Act may be served on any person who was a partner during the relevant time whether or not the firm has been dissolved and all the provisions of this Act shall apply accordingly.

(2) Where any such partner retires from the firm, he shall be liable to pay the tax, penalty, sum forfeited and interest remaining unpaid at the time of his retirement and any such amount due up to the date of retirement though un-assessed at that date.

58. Amalgamation of companies :- (1) When two or more companies are to be amalgamated by the order of a court or the Central Government and the order is to take effect from a date earlier to the date of the order and any two or more such companies have sold or purchased any goods to or from each other in the period commencing on the date from which the order is to take effect and ending on the date of the order, then such transactions of sale and purchase will be included in the turnover of the sales or of purchases of the respective companies and will be assessed to tax accordingly.

- (2) Notwithstanding anything contained in the said order, for all of the purposes of this Act, the said two or more companies will be treated as distinct companies and will be treated as such for all periods up to the date of the said order and the registration certificates of the said companies will be cancelled, where necessary, with effect from the date of the said order.
- (3) Words and expressions used in this section, but not defined, will have the respective meanings as in the Companies Act, 1956.

Chapter - IX

INSPECTION OF ACCOUNTS, DOCUMENTS AND SEARCH OF PREMISES

- 59. Production and inspection of accounts and documents and search of premises :-** (1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer to produce before him any accounts or documents, or to furnish any information, relating to stock of goods or sale, purchase and delivery of goods or to payments made or received by the dealer, or any other information relating to his business, as may be necessary for the purpose of this Act.
- (2) All accounts, registers and documents relating to stock of goods, or purchase, sale and delivery of goods, payments made or received by any dealer and all goods and cash kept in any place of business of any dealer, or in any vessel or in vehicle shall at all reasonable time be open to inspection by the Commissioner, and the Commissioner may take or cause to be taken such copies or extracts of the said accounts, registers or documents and such inventory of the goods and cash found as appears to him necessary for the purpose of this Act.

- (3) If the Commissioner has reasons to believe that any dealer has evaded or is attempting to evade the payment of any tax due from him, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same for so long as may be necessary in connection with any proceeding under this Act or for the prosecution, under any law.
 - (4) For the purposes of sub-section (2) or sub-section (3), the Commissioner may enter and search any place of business of any dealer or any other place where the Commissioner has reason to believe that the dealer keeps or is for the time being keeping any account, register or document of his business or stock of goods relating to his business.
 - (5) Where any books of accounts, other documents, money or goods are found in the possession or control of any person in the course of any search, it shall be presumed, unless the contrary is proved, that such books of accounts, other documents, money or goods belong to such person.
- 60. Survey :-** (1) With a view to identify dealers who are liable to pay tax under the Act, but have remained unregistered, the Commissioner shall from time to time cause a survey of unregistered dealers.
- (2) For the purpose of the survey, the Commissioner may by general or special notice require any dealer or class of dealers to furnish the names, addresses and such other particulars as he may find necessary relating to the persons and dealers who have purchased any goods

from or sold any goods to such dealer or class of dealers during any given period.

- (3) For the purposes of survey, the Commissioner may call for details and particulars regarding the services provided by public utilities and financial institutions including banking companies which in his opinion will be relevant and useful for the purposes of the survey. He may from time to time cause the results of the survey to be published in any manner that he thinks fit so however as not to disclose or indicate the identity of any particulars unregistered dealer identified during the survey.
- (4) The Commissioner may, for the purposes of the survey, enter any place where a person is engaged in business but is unregistered or has not applied for grant of the certificate of registration, whether such place will be principal place of business or not of such business and require any proprietor, employee or any other person who may at that time and place be attending in any manner to, or helping in, the business –
 - (i) to afford him the necessary facility to inspect such books of accounts or other documents as he may require and which may be available at such place,
 - (ii) to afford him the necessary facility to check or verify the cash, stock or other valuable articles or things which may be found therein, and
 - (iii) to furnish such information as he may require as to any matter which may be useful for, or relevant to any proceedings under this Act.

Explanation – For the purposes of this sub-section, a place where the person is engaged in business will also include any other place where any of the books of accounts or other documents or any part of the cash, stock or other valuable articles or things relating to the business are kept.

- (5) In course of inspection, the Commissioner may make or cause to be made extracts or copies from books of accounts and other documents inspected by him, make an inventory of any cash, stock or other valuable article or thing checked or verified by him, and record the statement of any person which may be useful for, or relevant to, any proceeding under this Act.
- (6) The Commissioner, in exercise of the powers under this section, shall on no account, remove or cause to be removed from the place where he has entered any books of accounts, other documents, or any cash, stock or other valuable article or thing.

61. Automation :- (1) The Government shall endeavor to introduce and establish an automated data processing system for complementing the purposes of the Act and for incidental and allied matters.

- (2) In order to make the said system effective, the Government may from time to time make regulations for regulating the interactions between the dealers, authorities appointed or constituted under the Act and the Government Treasury.
- (3) The Regulations shall be published in the Official Gazette and may be made retrospective to any date not earlier than 1st April, 2005.

62. Power to collect statistics :- (1) If the Commissioner considers that for the purpose of the better administration of this Act, it is necessary so to do, he may by notification in the Official Gazette, direct that statistics be collected relating to any matter dealt with, by or in connection to this Act.

(2) Upon such direction being made, the Commissioner or any person or persons authorized by him in this behalf may, by notification in the Official Gazette or by notice in any newspaper or in such other manner as in the opinion of the Commissioner or the said person is considered best to bring the notice to the attention of dealers and other persons, call upon all dealers or any class of dealers or persons to furnish such information or returns as may be stated therein relating to any matter in respect of which statistics are to be collected. The form in which, the persons to whom or the authorities to which such information or returns should be furnished, the particulars which they should contain, and the intervals in which such information or returns should be furnished, shall be such as may be prescribed.

(3) Without prejudice to the generality of the foregoing provisions, the Government may by rules provide that every registered dealer or, as the case may be, any class of registered dealers shall furnish, in addition to any other returns provided for elsewhere, an annual return in such form, by such date and to such authority as may be prescribed and different provisions may be made for different classes of registered dealers.

63. Disclosure of information by a public servant :- (1) All particulars contained in any statement made, return furnished or accounts or

documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act (other than proceeding before a Criminal Court), or in any record of any assessment proceeding or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act shall, save as provided in sub-section (3), be treated as confidential; and notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

- (2) If, save as provided in sub-section (3), any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both;

Provided that no prosecution shall be instituted under this section except with the previous sanction of the Government.

- (3) Nothing contained in this section shall apply to the disclosure -
- (a) of any such particulars in respect of any such statement, return, accounts, documents, evidence, affidavit or deposition, for the purpose of any prosecution under the Indian Penal Code or the Prevention of Corruption Act, 1947, or this Act, or any other law for the time being in force or
 - (b) of any such particulars to the Government or to any person acting in the execution of this Act or to any person for the purposes of this Act; or

- (c) of any such particulars when such disclosure is occasioned by the lawful employment under this Act of any process for the service of any notice or the recovery of any demands ; or
- (d) of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceeding under this Act; or
- (e) of any such particulars to any officer appointed to audit receipts or refunds of the tax imposed by this Act; or
- (f) of any such particulars where such particulars are relevant to any inquiry into the conduct of an official of the Sales Tax Department to any person or persons appointed as Commissioner under the Commission of Enquiry Act, 1955, or to any officer otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution when exercising its functions in relation to any matter arising out of such inquiry ; or
- (g) of such facts to an officer of the Central Government or any State Government as may be necessary for the purpose of enabling that Government to levy or realize any tax or duty imposed by it; or
- (h) of any such particulars to the Director, Economics and Statistics or any officer serving under him or to any person or persons authorized under sub-section (2) of section 62 as may be necessary for enabling the Director or such person or persons to carry on their official duties.

- (i) of any such particulars to an officer of the Central Government or any State Government as may be necessary for the administration of any law in force in India.

64. Disclosure of information required under section 62 and failure to furnish information or return under that section :- (1) No

information of any individual return or part thereof, with respect to any matter given for the purposes of section 63, shall, without the previous consent in writing of the owner for the time being or his authorized agent, be published in such manner as to enable any particulars to be identified as referring to a particular dealer and no such information shall be used for the purpose of any proceedings under the provisions of this Act.

(2) Except for the purposes of prosecution under this Act or any other Act, no person who is not engaged in the collection of statistics under this Act or in compilation or computerization thereof for the purposes of administration of this Act, shall be permitted to see or have access to any information or any individual return referred to in that section.

(3) If any person required to furnish any information or return under section 62 :

(a) willfully refuses or without lawful excuse neglects to furnish such information or return as may by that section be required, or

(b) willfully furnishes or causes to be furnished any information or return which he knows to be incorrect or false.

he shall, on conviction, be punished with fine which may extend to one thousand rupees and in case of a continuing offence to a further

- fine which may extend to one hundred rupees for each day after the first day during which the offence continues.
- (4) If any person engaged in connection with the collection of statistics under section 62 or compilations or computerizations thereof willfully discloses any information or the contents of any return given or made under that section, otherwise than in execution of his duties under that section or for the purposes of the prosecution of an offence under this Act or under any other Act, he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.
- (5) Nothing in this section will apply to publication of any information relating to a class of dealers or class of transactions, if in the opinion of the Commissioner, it is desirable in the public interest, to publish such information.

- 65. Publication and disclosure of information in respect of dealers and other persons in public interest :** - (1) Notwithstanding anything contained in section 63 or 64, if the Government is of the opinion that it is necessary or expedient in the public interest to publish or disclose the name of any dealer or other person and any of the particulars relating to any proceedings under this Act in respect of such dealer and person, it may publish or disclose or cause to be published or disclose such names and particulars in such manner as it thinks fit.
- (2) No publication or disclosure under this section shall be made in relation to any tax levied or penalty imposed or interest levied or any conviction for any offence connected with any proceeding under this

Act, until the time for presenting an appeal to the appropriate appellate authority has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

Explanation :- In the case of a firm, company or other association of persons, the names of the partners of the firm, the directors, managing agents, secretaries, treasurers or managers of the company or the members of the association, as the case may be, may also be published or disclosed, if, in the opinion of the Government, the circumstances of the case justify it.

Chapter - X

DETECTION AND PREVENTION OF TAX EVASION

- 66. Restriction on movement :** (1) No person shall take delivery or transport from any railway station, airport, post office, or any other place whether of similar nature or otherwise, notified in this behalf by the Government, any consignment of taxable goods exceeding such quantities and except in accordance with such conditions as may be prescribed. Such conditions shall be made with a view to ensure that there is no evasion of the tax imposed by this Act.
- (2) If the Commissioner has reason to believe that any person has contravened or attempted to contravene the provision of sub-section (1) in respect of any taxable goods, he may seize such goods together with any container or other materials used for packing such goods and for the said purpose search any place, vehicle or thing which may be suspected of being used for such contravention.

(3) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term, which may extend to six months or with fine or with both.

(4) An offence under this section shall be bailable and cognizable.

67. Establishment of check posts for inspection of goods in transport:-

(1) The Government may, with a view to prevent or check avoidance or evasion of tax, by notification in the official gazette, direct the establishment of the check post or barrier at such places as may be specified in the notification and every officer who exercises powers and discharges his duties at such check post by way of inspection of documents produced and goods being moved, shall be in-charge.

(2) The driver or person in-charge of vehicle or carrier of goods in movement shall:-

(a) carry with him the records of the goods including challan, bills of sale or dispatch memos and prescribed declaration form duly filled in and signed by the consignee or transporter of goods carried ;

(b) stop the vehicle or carrier at every check post set up under sub-section(1) or at any other place by an officer authorized by the Commissioner in this behalf ;

(c) produce all the documents including the prescribed forms relating to the goods before the officer-in-charge of the check post or the authorized officer ;

(d) give all the information in his possession relating to the goods ;

(e) allow the inspection of the goods for search of the vehicle by the officer-in-charge of the check post or any authorized officer.

- (3) Where any goods are in movement within the territory of the state of Tripura, an officer empowered by the state government in this behalf may stop the vehicle or the carrier or the person carrying such goods, for inspection, at any place within his jurisdiction and provisions of sub-section (2) shall mutatis mutandis apply.
- (4) Where any goods in movement are without documents, or are not supported by documents as referred to in sub-section (2), or documents produced appeared to be false or forged, the officer-in-charge of the check post or the officer empowered under sub-section (3), may -
 - (a) direct the driver or the person in-charge of the vehicle or carrier or of the goods not to part with the goods in any manner including by transporting or re-booking, till a verification is done or an enquiry is made, which shall not take more than seven days ;
 - (b) seize the goods for reasons to be recorded in writing and shall give receipt of the goods to the person from whose possession or control they are seized ;
- (5) The Officer-in-charge of the check post or the officer empowered under sub-section (3), after having given the person in-charge of the goods a reasonable opportunity of being heard and after having held such enquiry as he may deem fit, shall impose for possession or movement of goods, whether seized or not, in violation of the provisions of clause (a) of sub-section (2) or for submission of false or forged documents in addition to tax leviable, a penalty equal to double the amount of tax, or rupees one thousand, whichever is higher.

- (6) During the pendency of the proceeding under sub-section (5), if any one prays for being impleaded as a party to the case on the ground of involvement of his interest therein, the said officer-in-charge or the empowered officer on being satisfied, may permit him to be included as a party to the case; and thereafter, all provisions of this section shall mutatis mutandis apply to him.
- (7) The officer-in-charge of the check post or the officer empowered under sub-section (3) may release the goods to the owner of the goods or to any person duly authorized by such owner on payment of the tax and penalty imposed under sub-section (5).
- (8) Where the driver or person in charge of the vehicle or the carrier is found guilty for violation of the provisions of sub-section (2), subject to the provisions of clause (a) of sub-section (4), the officer-in-charge of the check post or the officer empowered under sub-section (3) may detain such vehicle or carrier and affording an opportunity of being heard to such driver or person in charge of the vehicle or the carrier, may, impose a penalty not exceeding ten thousand rupees.
- (9) Where a transporter, while transporting goods, is found to be in collusion with dealer to avoid or evade tax, the officer-in-charge of the check post or the officer empowered under sub-section (3), shall detain the vehicle or carrier of such transporter and after affording him an opportunity of being heard with prior approval in writing of the Commissioner may confiscate such vehicle or carrier.
- 68. Disposal of Seized goods :** (1) The Commissioner may, subject to the provisions of section 80, dispose of by public auction any taxable goods seized under clause (b) of sub-section (4) of section 67 in such manner as may be prescribed, and so much of the sale proceeds of the

- auction, after deducting the cost of conducting the auction, as may be required for payment of the dues on account of tax and penalty, shall be appropriated towards the same and the balance, if any, should be paid to the person from whom the goods were seized or to the owner of such goods.
- (2) Notwithstanding anything contained elsewhere in this Act, for the purpose of this section, the amount of tax payable for the taxable goods sold by auction, shall be determined on the basis of the sale proceeds of the goods sold by public auction under sub-section (1) and the penalty leviable thereon may extend to one hundred and fifty per cent of the tax so calculated.
- (3) Nothing in this section shall absolve a person from any other penalty to which he may be liable for violation of any provision of the Act.

Chapter - XI

APPEALS AND REVISION

- 69. Appeal :** (1) Any dealer objecting to an order of assessment or penalty passed under this Act, may, within thirty days from the date of the service of such order, appeal to the prescribed authority against such assessment or penalty:

Provided that (i) no appeal shall be entertained by the said authority unless, he is satisfied that the amount of tax assessed or the penalty levied has been paid;

- (ii) the authority before whom an appeal has been filed may, for reasons to be recorded in writing, direct the appellant to pay any lesser amount which shall not be less than fifty per cent of the

tax assessed or fifty percent of the penalty levied and, on payment of the amount so directed, entertain the appeal;

Explanation: For the purpose of clause (ii), any amount paid either as tax or as penalty shall be deemed to be the amount paid towards tax assessed or penalty levied and if the appeal is against both the tax assessed and penalty levied, then the amount to be paid shall not be less than fifty percent of both the tax and penalty.

- (iii) the authority before whom the appeal is filed may admit it after the expiration of thirty days if such authority is satisfied that for reasons beyond the control of the appellant or for any other sufficient cause it could not be filed within time.
- (2) Every appeal under sub-section (1) shall be presented in the prescribed form and shall be verified in the prescribed manner.
- (3) The appellate authority shall fix a day and place for hearing and may from time to time adjourn the hearing and make, or cause to be made, such further enquiry as may be deemed necessary.
- (4) In disposing of an appeal under sub-section (1), the appellate authority may -
 - (a) confirm, reduce, enhance or annul the assessment, or
 - (b) set aside the assessment and direct a fresh assessment after such enquiry as may be ordered, or
 - (c) confirm, reduce or annul the order of penalty.

70. Revision by Commissioner : (1) The Commissioner may call for and examine the record of any proceeding under this Act, and if he considers that any order passed therein by any person appointed under sub-section (1) of section 18 to assist him, is erroneous in so far as it is prejudicial to the

interest of the revenue, he may, after giving the dealer or transporter an opportunity of being heard and after making or causing to be made such enquiry as he deems necessary, pass such orders thereon as the circumstances of the case justify, including an order enhancing or modifying the assessment, or cancelling the assessment and directing a fresh assessment.

- (2) In the case of any order other than an order to which sub-section (1) applies, passed by any person appointed under sub-section (1) of section 18 to assist him, the Commissioner may, either on his own motion or on a petition by a dealer or a transporter for revision, call for the records of any proceeding under this Act in which any such order has been passed and may make such enquiry or cause such enquiry to be made, and subject to the provisions of this Act, may pass such orders thereon, not being an order prejudicial to the dealer or the transporter, as he thinks fit;

Provided that no petition for revision by a dealer or a transporter shall be admitted by the Commissioner unless at least fifty percent of the amount of tax assessed, or as the case may be, fifty percent of the amount of penalty levied, has been paid by the dealer or the transporter where the order against which revision is filed relates to assessment of tax or imposition of penalty.

- (3) In the case of a petition for revision under sub-section (2) by a dealer or a transporter, the petition must be made within ninety days from the date on which the order in question was communicated to him or the date on which he otherwise came to know of it, whichever is earlier;

Provided that the Commissioner before whom the petition is filed may admit it after the expiration of the period of ninety days if

he is satisfied that for reasons beyond the control of the petitioner or for any other sufficient cause, it could not be filed within time.

(4) The Commissioner shall not revise any order under this section in the following cases -

- (a) Where an appeal against the order lies under section 69 or 71 but has not been made and the time within which such appeal may be made has not expired, or in the case of an appeal to the Tribunal the dealer or the transporter has not waived his right of appeal; or
- (b) Where the order is pending on appeal under section 69; or
- (c) Where the order has been made the subject of an appeal to the Tribunal.

Explanation: - An order by the Commissioner declining to interfere shall, for the purpose of this section, be deemed not to be an order prejudicial to the dealer or the transporter.

71. Appeal to the Tribunal: (1) Whoever aggrieved by an order passed in appeal under section 69 or passed in revision under sub-section (1) of section 70 may appeal to the Tribunal within sixty days of the date on which such order is communicated to him.

Explanation : Order passed in appeal or revision mentioned in this sub-section shall mean an order passed after an appeal or revision is admitted under section 69 or, as the case may be, sub-section (1) of section 70 of the Act.

(2) The Tribunal may admit an appeal after the expiration of the sixty days referred to in sub-section (1), if it is satisfied that for reasons

- beyond the control of the appellant or for any other sufficient cause it could not be filed within time.
- (3) An appeal to the Tribunal shall be in the prescribed form and shall be verified in the prescribed manner, and shall be accompanied by a fee of one hundred rupees.
 - (4) The Tribunal may, after giving the dealer or the transporter and the Departmental Representatives an opportunity of being heard, pass orders thereon as it thinks fit and shall communicate any such orders to the dealer and to the Commissioner.

72. Revision to High Court - (1) A dealer or a transporter who is dissatisfied with the decision of the Tribunal or Revisional Authority may, within sixty days after being notified of the decision, file a revision with the High Court; and the dealer or the transporter so appealing shall serve a copy of the notice of revision on the respondent to the proceeding.

- (2) A revision to the High Court may be made on question of law or an erroneous decision or failure to decide a question of law that will be raised in the revision.
- (3) The High Court may on application either by the petitioner or by the respondent review any order passed by it provided such application is made within one year from the date of receipt of the judgement.

73. Hearing of Revision and Review by the High Court – A revision or review application presented before the High Court under section 72 shall be heard by the bench consisting of not less than two judges.

74. Power to Rectify Error Apparent on the Record : (1) An assessing, appellate or revisional authority including the Tribunal may, on an application or otherwise 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 no such rectification which has the effect of enhancing the liability to pay tax or penalty or penal interest shall be made unless such authority has given notice to the person affected and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of enhancing the tax liability or penalty, the Assessing Authority shall give the dealer or other person a notice of assessment or penalty and the dealer or other person shall pay the tax in the manner prescribed and when such rectification has the effect of reducing the tax liability or penalty, the Assessing Authority shall issue refund of the excess tax paid, if any.

Chapter – XII

OFFENCES AND PENALTIES

75. Offences and penalties :- (1) Whoever, not being a registered dealer, falsely represents that he is or was a registered dealer at the time when he sells or buys goods shall, on conviction, be punished with imprisonment which may extend to one year or with fine or with both.

(2) Whoever, knowingly furnishes a false return shall, on conviction, be punished-

(i) in case where the amount of tax, which could have been evaded if the false return had been accepted as true, exceeds Rs.10,000

with imprisonment for a term which may extend to one year or with fine or with both.

- (ii) in any other case, with imprisonment for a term, which may extend to six months or with fine or with both .
- (3) Whoever knowingly produces before the Commissioner, false bill, cash-memo, voucher, declaration, certificate or other document for evading tax payable under this Act, shall on conviction, be punished -
- (i) in case where the amount of tax which could have been evaded, if the documents referred to above had been accepted as true, exceed Rs.50,000 during the period of a year, with imprisonment for a term which may extend to one year or with fine or with both.
 - (iii) in any other case, with imprisonment for a term which may extend to six months or with fine or with both.
- (4) Whoever, knowingly keeps false account of the value of the goods bought or sold by him in contravention of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.
- (5) Whoever, knowingly produces false accounts, registers or documents or knowingly furnishes false information, shall, on conviction, be punished -
- (i) in case where the amount of tax which could have been evaded, if the accounts, registers or documents or information referred to above had been accepted as true, exceeds Rs.50,000 during

the period of a year, with imprisonment for a term which may extend to one year or with fine or with both.

- (ii) in any other case, with imprisonment for a term which may extend to six months or with fine or with both.
- (6) Whoever, issues to any person certificate or declaration under the Act, rules or notifications or a false bill, cash-memorandum, voucher, delivery Challan, lorry receipt or other document which he knows or has reason to believe to be false, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.
- (7) Whoever -
- (i) willfully attempts, in any manner whatsoever, to evade any tax leviable under this Act, or
 - (ii) willfully attempts, in any manner whatsoever, to evade any payment of any tax, penalty or interest or all of them under this Act shall on conviction, be punished -
 - (a) in case where the amount involved exceeds Rs.50,000 during the period of a year, with imprisonment for a term which may extend to one year or with fine or with both.
 - (b) in any other case, with imprisonment for a term which may extend to six months or with fine or with both.
- (8) Whoever aids or abets or induces any person in commission of any act specified in sub-sections (1) to (7) shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.
- (9) Whoever –

- (a) is engaged in business as a dealer without being registered in willful contravention of section 19, or
- (b) fails without sufficient cause to furnish any returns as required by section 24 by the date and in the manner prescribed,
- (c) fails without sufficient cause, when directed to keep any accounts or record, in accordance with the provisions of this Act, or
- (d) fails without sufficient cause, to comply with any requirements made of him under section 48, or
- (e) voluntarily obstructs any officer making inspection or search or seizure under section 59,

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(10) Whoever fails, without sufficient cause, to furnish any return by the date and in the manner prescribed under this Act shall on conviction, be punished with simple imprisonment for a term which may extend to six months or with a fine, which shall not be less than -

- (i) rupees two thousand, if the tax due for the period covered by the return does not exceed rupees twenty thousand ;
- (ii) rupees five thousand, if the tax due for the period covered by the return exceeds rupees twenty thousand but does not exceed rupees one lakh ;
- (iii) rupees ten thousand, if the tax due for the period covered by the return exceeds rupees one lakh or with both.

(11) Whoever commits any of the acts specified in sub-sections (1) to (10) and the offence is a continuing one under any of the provisions of these sub-sections, shall, on conviction, be punished with daily fine

- not less than rupees one hundred during the period of the continuance of the offence, in addition to the punishments provided under this section.
- (12) Notwithstanding anything contained in sub-section (1) to (11), no person shall be proceeded against these sub-sections for the acts referred to therein if the total amount of tax evaded or attempted to be evaded is less than rupees two hundred during the period of a year.
- (13) Where a dealer is accused of an offence specified in sub-sections (1) to (11), the person deemed to be the manager of the business of such dealer shall also be deemed to be guilty of such offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.
- (14) In any prosecution for an offence under this section, which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation – Culpable mental state includes intention, motive or knowledge of fact or belief in, or reason to believe a fact and a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

- 76. Offences by companies :-** (1) Where an offence under this Act or the rules had 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 :

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

- (2) Notwithstanding anything contained in sub-section (1), where an 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 also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – For the purpose of this section –

- (a) ‘company’ means a body corporate, and includes a firm or other a association of individuals ; and
- (b) ‘director’ in relation to a firm means a partner in the firm.
- (3) Where an offence under this Act has been committed by a Hindu Undivided Family, the karta thereof shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render the karta 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 :

Provided further that, where an offence under this Act has been committed by a Hindu Undivided Family 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 adult member of the Hindu Undivided Family, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- 77. Penalty payable by the transporter :-** (1) If the Commissioner is satisfied that any transporter has delivered taxable goods to any person without obtaining from the dealer, copy of the valid permit or has concealed the actual particulars of the consignment transported by him, the Commissioner may direct that such transporter shall pay, in addition to tax, by way of penalty, a sum which may extend to one hundred and fifty percent of the tax involved.
- (2) No order under sub-section (1) shall be made unless the transporter has been heard or has been given reasonable opportunity of being heard.
- 78. Cognizance of offences :-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Act or rules made thereunder shall be cognizable and bailable.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, it shall be lawful for the First Class Magistrate to pass on any person convicted of an offence under section 63 or 64 a sentence or fine as provided in the relevant section, in excess of his powers under section 29 of the said Code.

79. Investigation of offences :- (1) Subject to conditions, if any, as may be prescribed, the Commissioner may authorize, either generally or in respect of a particular case or class of cases, any officer or person subordinate to him to investigate all or any of the offences punishable under this Act.

(2) Every officer so authorized shall, in the conduct of such investigation, exercise the power conferred by the Code of Criminal Procedure, 1973, upon an officer-in-charge of a police station for the investigation of a cognizable offence.

80. Compounding of offences :- (1) The Commissioner may, either before or after the institution of proceedings of any offence punishable under section 74 or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence under sub-sections (1), (2), (3), (4), (5), (6), (7) or clauses (a), (b), (c), (d), (e) of sub-section (9) or sub-section (10) of section 75 in addition to the tax leviable, a sum of money not exceeding one thousand rupees or double the amount of tax leviable whichever is greater.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be

taken against the accused person in respect of the same offence and any proceeding, if already taken, shall stand abated.

Chapter - XIII **MISCELLANEOUS**

- 81. Appearance before any authority in proceedings :-** (1) Any person who is entitled or required to attend before any authority including the Tribunal in connection with any proceeding under this Act, otherwise than when required to attend personally for examination on oath or affirmation, may attend -
- (a) by a relative or a person regularly employed by him, or
 - (b) by a legal practitioner, or Chartered Accountant who is not disqualified by or under sub-section (2), or
 - (c) by a sales tax practitioner who possesses the prescribed qualifications and is entered in the list which the Commissioner shall maintain in that behalf, and who is not disqualified by or under sub-section (2).
 - (d) Any person who, immediately before the commencement of this Act was a sales tax practitioner under any earlier law only if such relative, person employed, legal practitioner, Chartered Accountant, or sales tax practitioner is authorized by such person in the prescribed form, and such authorization may include the authority to act on behalf of such person in such proceedings.
- (2) The Commissioner may, by order in writing and for reasons to be recorded therein, disqualify for such period as is stated in the order, from attending before any such authority, any legal practitioner, Chartered Accountant, or sales tax practitioner -

- (i) who has been removed or dismissed from Government service or
 - (ii) who being a sales tax practitioner, a legal practitioner or a Chartered Accountant is found guilty of misconduct in connection with any proceedings under this Act by the Commissioner or by an authority, if any, empowered to take disciplinary action against the member of the profession to which he belongs.
- (3) No order of disqualification shall be made in respect of any particular person unless he is given a reasonable opportunity of being heard.
- (4) Any person against whom any order of disqualification is made under this section may within one month of the date of communication of such order appeal to the Tribunal to have the order cancelled or modified. The order of the Commissioner shall not take effect until one month of the making thereof, or when an appeal is preferred, until the appeal is decided.
- (5) The Commissioner may, at any time suo motu on an application made to him in this behalf, revoke or modify any order made against any person under sub-section (2) and thereupon such person shall cease to be disqualified subject to such conditions or restrictions that may be contained in such order.

82. Power to take evidence or oath etc. :- The Tribunal and the Commissioner shall, for the purpose of this Act, have the same

powers as are vested in a Court under the Court of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters :-

- (i) enforcing the attendance of any person and examining him on oath or affirmation ;
- (ii) compelling the production of documents ;
- (iii) issuing Commission for the examination of witness and any such proceeding before the Tribunal or the Commissioner shall be deemed to be a “Judicial Proceeding” within the meaning of section 193 and 228 and for the purposes of section 196 of the Indian Penal Code, 1860 (Act XIV of 1860).

83. Declaration of stock of goods held on the appointed day :- The Commissioner may, by notification in the Official Gazette, require that any class of registered dealers as may be specified in the notification, declare such details regarding the stock of goods held by them on the day immediately preceding the appointed day in such manner and with such particulars and to such authority, as may notify in this behalf.

84. Bar of suits in Civil Courts and indemnity :- No suit shall be brought in any Civil Court to set aside or modify any assessment made or orders passed under the provisions of this Act, and no prosecution, suit or other proceedings shall lie against any officer of the Government employed for execution of the provisions of this Act and Rules for anything in good faith done or intended to be done under this Act or the Rules made thereunder.

85. Delegation of Powers- The Commissioner may, subject to such restrictions and conditions as may be prescribed, delegate, by notification in the Official Gazette, any of his powers under this Act to any person appointed under sub-section (1) of section 18 to assist him.

86. Power to Remove Difficulties - If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Act in force immediately before the commencement of this Act, the Government may, by notification in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

87. Power to Make Rule - (1) The Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may, in particular, prescribe

- (a) all matters required by this Act to be prescribed;
- (b) the classes and duties of officers appointed for the purpose of enforcing the provisions of this Act;
- (c) the procedure to be followed and the forms to be adopted in proceedings under this Act;
- (d) the intervals at which, and the manner in which, the tax under this Act shall be payable;
- (e) the dates by which and the authority to whom returns shall be furnished;

- (f) the manner in which refunds shall be made;
 - (g) the fees , if any, for petitions , certificates and other matters;
 - (h) the nature of accounts to be maintained by a dealer or transporter and
 - (i) for any other matter necessary for giving effect to the purpose of this Act.
- (3) Every rule made by the Government under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid of the successive session aforesaid, the Legislative Assembly agree in making any modification in the rule or the Legislative Assembly agree that the rule should not be made, the rule 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.

Chapter - XIV

TRANSITION, REPEAL AND SAVINGS

- 88. Transition-** (1) A registered dealer is entitled to input tax credit in respect of any goods held as stock as on the date of commencement of this Act -
- (a) on the amount of tax actually paid on the purchase of goods held as stock if it is ascertainable from the records of the dealer or,

- (c) in other cases, on the amount of tax calculated at the rate to which the goods are subjected to tax under the repealed Act on the estimated taxable turnover of such goods.
- (2) Input tax credit as provided under sub-section (1) shall be allowed as an when sale of such goods takes place after the commencement of this Act:

Provided that the Commissioner may, by notification in the Official Gazette, freeze input tax credit for the period as may be specified in the said notification.

- (3) Any registered dealer who claims input tax credit under the provisions of this section shall file statement of such claim within thirty days from the commencement of this Act, furnishing therein such details as may be prescribed along with an inventory of such stock.
- (4) A registered dealer who would have continued to be so liable to pay tax under the repealed Act had this Act not come into force, shall be deemed to be a registered dealer under this Act.
- (5) Notwithstanding anything contained elsewhere in this Act -
 - (a) Any person appointed as the Commissioner, Joint Commissioner or Assistant Commissioner, or any person appointed to assist the Commissioner, under the repealed Act and continuing in the office immediately before the appointed day, shall, on and from the appointed day, be deemed to have been appointed under this Act and shall continue in office as such till such person ceases to be the Commissioner, Joint Commissioner or Assistant

Commissioner or ceases to be the person appointed to assist the Commissioner.

- (b) Any dealer liable to furnish return under the repealed Act immediately before the appointed day shall notwithstanding that a period, in respect of which is so liable to furnish return, commences on any day before such appointment day and ends on any day after such appointed day, furnish such return in respect of tax payable for sales or purchases made up to the day immediately before such appointed day and pay tax in accordance with the provisions of repealed Act and shall furnish a separate return in respect of the remaining part of the period which commences on such appointed day and pay tax due on such return for

sales or purchases made on and from such appointed day in accordance with the provisions of this Act ;

- (c) Any order delegating any power under the repealed Act or the rules made there-under by the Commissioner to any person appointed, by any designation, to assist him before the appointed day shall, on and from such appointed day, continue in force until the Commissioner amends, varies or rescinds such order after such appointed day under this Act ;
- (d) Any dealer, who is no longer liable to pay tax under the repealed Act and whose account, registers or documents have been seized under that Act, shall continue to be retained in

accordance with provision of that Act on or after appointed day ;

- (e) All forms under the repealed Act or the rules made there under and continuing in the force on the day immediately before the appointed day shall, with effect from such appointed day, continue in force and shall be used mutatis mutandis for the purpose for which they were being used before such appointed day until the Government directs, by notification, the discontinuance of the use of such forms till such time as the Government may, by notification, specify in this behalf ;
- (f) All rules, regulations, notifications or orders made or issued under any of the repealed Act and continuing in force on the day immediately before the appointed day shall continue to be in force on or after such appointed day in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder until they are repealed or amended ;
- (g) Any form obtained or obtainable by the dealer from any prescribed authority or any declaration furnished or to be furnished by or to the dealer under any of the Acts so repealed or the rules made thereunder in respect of any sale of goods before the appointed day shall be valid where such form is obtained or such form is furnished on or after such appointed day ;
- (h) Any application for revision, review or reference arising from any order passed before the appointed day or any appeal arising from any assessment of tax or determination of interest made before such appointed day or any application for refund, or for

form, in respect of any period before such appointed day, under the repealed Act if made on or before such appointed day and pending on such appointed day, shall be disposed of in accordance with the provisions of the repealed Act ;

- (i) The Commissioner or any other authority to whom power in this behalf has been delegated by the Commissioner under the repealed Act may on his own motion, review or revise any order passed before the appointed day in accordance with the provision of that Act ;
 - (j) Any application for the form, for the transport of the goods into the state, pending on the day immediately before the appointed day, shall be deemed to have been made under this Act and shall be disposed of in accordance with the provisions of this Act ;
 - (k) Any tax assessed, interest determined or penalty imposed under the repealed Act in respect of sales or purchase made, or the repealed Act before the appointed day, shall be payable or recoverable in accordance with the provisions of the repealed Act ;
- (6) Where a registered dealer was enjoying the benefits of reimbursement of tax under the repealed Act immediately before the appointed day and who would have continued to be so eligible on such appointed day under that Act had this Act not come into force, may be allowed reimbursement of tax by him under this Act by the Commissioner, for the un-expired period.

89. Repeal and Savings- (1) The Tripura Sales Tax Act, 1976 (Act.No.11 of 1976), and the Tripura Additional Sales Tax Act 1990 (Act 6 of

1990) (hereinafter referred as the repealed Acts) as in force in the State of Tripura are hereby repealed from the date of commencement of this Act.

Provided that such repeal shall not affect the previous operation of the said Acts or any right, title, obligation or liability already acquired, accrued or incurred thereunder and subject there to, anything done or any action taken including any appointment, notification, notice, order, rule, form, regulation, certificate, license or permit in exercise of any power conferred by or under the said Acts, shall be valid and always be deemed to have been valid, during the period that Act was in force notwithstanding the repeal of the Act.

- (2) Notwithstanding the Repeal of the Acts. -
 - (a) any action or proceedings already initiated under these Acts shall validly be continued under the provisions of this Act which relates to the period prior to the coming into force of this Act.
 - (b) any person liable to pay any tax, fee, penalty , interest or other amount under that Act for any period before coming into force of this Act, shall be levied, assessed and collected under the provisions of this Act as if this Act were in force during the period.
- (3) All arrears of tax, interest, penalty, fee or other amount due at the commencement of this Act, whether assessed or levied before such commencement or assessed or levied after such commencement, may be recovered as if such tax, penalty, interest, fee or other amount is assessed or levied under the provisions of this Act and all methods of

recovery including levy of interest, penalty or prosecution provided under this Act, shall apply to such arrears as if such amounts are assessed, levied and demanded under under this Act.

(4) Notwithstanding anything contained in sub-section (1), any application, appeal, revision or other proceedings made or preferred to any authority under the said Act, and pending at the commencement of this Act, shall, after such commencement, be transferred to and disposed of by the officer or authority who would have had jurisdiction to entertain such application, appeal, revision or other proceedings under this Act as if it had been in force on the date on which such application, appeal, revision or other proceedings was made or preferred.

Schedule- I: List of International Public Organisations.

1. ICRISAT
2. UNESCO
3. UNO
4. WHO
5. FAO

**Schedule –II (a)
List of goods taxable at the rate of 4%**

Sl No.	Description
1	Agricultural implements not operated manually or not driven by animal
2	All equipments for communication such as, Private Branch Exchange(P.B.X) and Electronic Private Automatic Branch Exchange (E.P.A.B.X) etc.
3	All intangible goods like copyright, patent, rep license etc.
4	All kinds of bricks including fly ash bricks, refractory bricks and asphaltic roofing, earthen tiles.
5	All types of yarn other than cotton and silk yarn in hank and

	sewing thread.
6	Aluminium utensils and enamelled utensils
7	Arecanut powder and betel nut
8	Acids
9	Aluminium Conductor Steel reinforced (ACSR)
10	Aluminium, aluminium alloys, their products (including extensions) not elsewhere mentioned in the Schedule or in any other Schedule
11	Article made of rolled Gold and imitation gold
12	Artificial silk yarn, Polyester fibre yarn and staple fibre yarn
13	Album
14	Bamboo
15	Bearings
16	Beedi leaves
17	Beltings
18	Bicycles, tricycles, cycle rickshaws & parts
19	Bitumen
20	Bone meal
21	Branded bread
22	Bulk drugs
23	Bagasse
24	Basic Chromium Sulphate Sodium bi-Chromate bleach liquid
25	Capital goods
26	Castings
27	Centrifugal, monobloc and submersible pumps and parts thereof
28	Coffee beans and seeds, cocoa pod and chicory
29	Chemical fertilizers, pesticides, weedicides and insecticides
30	Coir and Coir products excluding coir mattresses
31	Cotton and cotton waste
32	Crucibles
33	Castrol oil
34	Clay
35	Declared goods as specified in section 14 of the Central Sales Tax Act, 1956
36	Dyes, that is say (i) Acid Dyes (ii) Alizarine Dyes (iii) Bases (iv)Basic dyes (v) Direct dyes (vi) Naphthols (vii) Nylon dyes (viii)optical whitening agents (ix) Plastic dyes (x) Reactive dyes (xi)Vat dyes (xii) Sulphur Dyes (xiii) All other Dyes not specified elsewhere in the Schedule
37	Edible oils, oil cake and de-oiled cake

38	Electrodes
39	Exercise book, graph book and laboratory note book
40	Embroidery or Zari articles that is to say – (i) Imi (ii) Zari (iii) Kasab (iv) Salma (v) Dabka (vi) Chumki (vii) Gota (viii) Sitara (ix) Naqsi (x) Kora (xi) glass bead (xii) Badla (xiii) Gazal (xiv) embroidery machines (xv) embroidery needles
41	Ferrous and non-ferrous metals and alloys; non-metals such as aluminium, copper, zinc and extrusions of those
42	Fibres of all types and fibre waste
43	Flour, atta, maida, suji, besan, etc.
44	Fried grams
45	Fire clay coal ash, coal boiler ash, coal cinder ash, coal powder , clinker
46	Gur, jaggery, and edible variety of rub gur
47	Hand pumps and spare parts
48	Herb, bark, dry plant, dry root, commonly known as jari booti and dry flower
49	Hose pipes
50	Hosiery goods
51	Husk and bran of cereals
52	Handloom Machinery and parts & accessories thereof
53	Ice
54	Incense sticks commonly known as, agarbatti, dhupkathi or dhupbati
55	Industrial cables (High voltage cables, XLPE Cables, jelly filled cables, optical fibres)
56	Industrial inputs as listed in Schedule-VI and packing materials
57	IT products as listed in Schedule-VII , telephone and parts thereof, teleprinter and wireless equipment and parts thereof
58	Kerosene oil sold through PDS
59	Knitting wool
60	Lignite
61	Lime, lime stone, products of lime, dolomite and other white washing materials not elsewhere mentioned in this Schedule or in any other schedule
62	Linear alkyl benzene
63	Laminated and decorative sheets, veneers
64	Metals, alloys, metal powders including metal pastes of all types and grades and metal scraps other than those falling under declared goods

- 65 Milk food
- 66 Mixed P.V.C stabilizer
- 67 Medicine and drugs including Ayurvedic, Homeopathic and Unani medicines.
- 68 Newars
- 69 Napa Slabs (Rough flooring stones)
- 70 Ores and minerals
- 71 Paper and newsprint
- 72 Pipes of all varieties including G.I.pipes, C.I.pipes, ductile pipes and PVC pipes
- 73 [Plastic footwear](#) & Hawai Chappals
- 74 Printed material including diary, calendar etc.
- 75 Printing ink excluding toner and cartridges
- 76 Processed and branded salt
- 77 Pulp of bamboo, wood and paper
- 78 Palm fatty acid
- 79 Paraffin wax of all grade standards other than food grade standard including standard wax and match wax, slack wax
- 80 Pens of all kinds including refills
- 81 Plastic granules
- 82 Readymade garments
- 83 Renewable energy devices and spare parts
- 84 Rubber that is to say (a) raw Rubber, latex, Dry ribbed Sheet of all RMA Grades, tree lace, earth scrap, ammoniated latex, prescribed latex, latex concentrate, centrifugal latex, dry crepe rubber, dry rubber, block rubber crumb skimmed rubber and all other qualities and grades of latex (b) Re-claimed rubber, all grades and qualities (c) Synthetic rubber
- 85 Safety matches
- 86 Seeds
- 87 Sewing machines
- 88 Ship and other water vessels
- 89 Silk fabrics
- 90 Solvent oils other than organic solvent oil
- 91 Spices of all varieties and forms including cumin seed, aniseed, turmeric and dry chillies
- 92 Starch
- 93 Tamarind
- 94 [Tea](#)
- 95 Tractors, Threshers, harvesters and attachments and parts thereof

96	Transmission towers
97	Transmission wires and towers
98	Umbrella except garden umbrella
99	Vanaspati (Hydrogenated Vegetable Oil)
100	Vegetable oil including gingili oil and bran oil
101	Writing instruments
102	Wet dates

Schedule II(b)

List of goods taxable @ 12.5%

Sl. No.	Description
1	Abrasives including grinding stones, abrasive sheets, wheels, sections, sand paper, emery paper, emery cloth, emery powder, emery paste, water paper and the like
2	Alcohol (ethyl & methyl) , neutral spirit, denatured spirit and rectified spirit
3	Adhesive of all kinds including gum, glue, adhesive solution, gum paste, lapping compound, liquid M-seal epoxy, shellac, vulcanizing solution and adhesive tapes, self adhesive tapes, gum tapes, gummed tapes and resin other than those specified elsewhere in this schedule or in any other schedule.
4	Advertisement hoarding
5	Aero planes and other aircrafts including helicopters and all kinds of parachutes, dirigibles, all kinds of gliders, all types of flying machines, aircrafts launching gear, parts and accessories thereof
6	(i) Air conditioning plants, air conditioners and other air conditioning appliances, air coolers, room coolers including all cooling appliances, apparatus and instruments; (ii) Refrigeration plants, and all kinds of refrigerating appliances and equipments including refrigerators, deep freezers, mechanical water coolers, coffee, walk-in-coolers; (iii) Cold storage plants and equipments including refrigeration materials like polystyrene and polyurethane foam materials used in refrigerators and cold storage equipments; (iv) Water cooler cum heater units; (v) Parts and accessories of

	items (i) to (iv) above
7	Air purifiers, cupboard fresheners and deodorizers, whether odourless or with odour
8	Anti-bed sore made of PVC, rubber or other materials
9	Apparatus for making coffee under pressure, commonly known as espresso
10	Arms, ammunitions and explosive of all kinds including (i) rifles, revolvers, pistols and bayonets, truncheons and ammunition used therewith (ii) Hand grenades; (iii) Air guns, air rifles and pellets used therewith, (iv) gelatin sticks, RDX, gun powder, detonators caps, igniters, electric detonators, fuses and other blasting powder and the like
11	Articles and other goods of aluminum, brass, bronze, copper, cadmium, lead and zinc other than specified in any other Schedule.
12	Articles made of horn, coconut shell, straw, bamboo, cane and other woods other than those specifically included in any other entry in this schedule
13	Asafoetida including compounded asafoetida
14	Asbestos sheets and products, cement products including products in combination with other materials not elsewhere mentioned in this Schedule
15	Asphaltic roofing
16	Articles, equipments for gymnastics and health fitness equipments
17	Baby and adult diapers
18	Baby feeding bottles and nipples made of any material
19	Bakery products including biscuits of all varieties, cakes, pastries, pizza-breads, other than those specified in any other schedule
20	Baking powder, bread improver, cake gel, vinegar, wheat gluten and edible gelatin used for confectionery and ice creams
21	Batteries and parts thereof, dry cells, button cells, solar cells of all kinds, parts and accessories thereof including zinc calots and carbon rods
22	Beds, pillows and quilts made of cotton or silk cotton
23	Binoculars, opera glasses, other optical telescope, astronomical instruments, microscopes, binocular microscope, magnifying glasses, diffraction apparatus and mounting including theodolite, survey instruments and optical lenses other than lenses for spectacles
24	Blasting gun powder and other mechanical explosives

25	Bleaching powder of all varieties and descriptions
26	Boards such as planner boards, graph boards, writing cum projecting boards, white mark ceramic steel dry wipe boards
27	Bulldozers, excavators, earthmovers, dumpers, dippers, pipe-layers, scrappers and the like, and parts and accessories thereof
28	Biomass briquettes
29	Cables of all types, other than those specifically included in this schedule or in any other schedule
30	Cement including white cement and their substitutes and cement concrete mixture
31	Chinaware, porcelain ware and stoneware articles
32	Cigar cases and cigarette cases, pipe holders, tobacco pipes, cigarette filter and hookah
33	Cinematographic equipments including video cameras, projectors, over-head projectors, enlargers, plates and cloth required for use therewith, sound-recording and reproducing equipments, parts and accessories thereof and lenses, exposed films, film-strips, arc or cinema carbons, cinema slides, paper, paper boards required for use therewith
34	Citronella oil
35	Clip boards, clutch pencil, black lead, date stamps, dusters, index file clips, pokers, office files of all kinds, paper cutter, black board, black board dusters
36	Coal tar
37	Coconut products (other than sweets and confectionery and those specifically included under any other item in this Schedule)
38	Coffee powder including French coffee and coffee drink
39	Collapsible gates, rolling shutters whether operated manually, mechanically or electrically and their parts and grills made of iron and steels
40	Computer cleaning kit
41	Conduit pipe and its fittings
42	Confectionery including toffee, chocolate and sweets of all kinds, ice-candy, ice-cake, ice-jelly, kulfi and frozen confectionery, frozen desert, chewing gum, bubble gum and the like
43	Cooked food including beverages other than liquor, served in, or supplied from any- (a) hotel, (b) restaurant, (c) refreshment room, (d) club or (e) eating house
44	Cooking gas other than those specified elsewhere

45	Cosmetics and toilet articles that is to say, - Talcum powder, prickly heat powder, similar medicated body powder, shampoo of all varieties and forms, hair and body cleaning powder of all kinds, sandal wood oil, ramachom oil, cinnamon oil, perfumes, scents, snow and cream, eau de cologne, solid colognes, beauty boxes, face packs, cleansing liquids, moisturizers, make-up articles (not including talcum powder), complexion rouge, bleaching agents, hair oil, hair dyes, hair sprayers, hair removers, hair creams, lipsticks, nail polishes and varnishes, polish removers, eye liners, eye lashes and body deodorants
46	Cushion, mattress, pillows, seat cover and other articles made wholly or partly of artificial or synthetic resin or plastic foam or rubber foam
47	Chemicals including Caustic Soda, Caustic Potash, Soda ash, bleaching powder, Sodium bi-carbonate, Sodium hydrosulphite, Sulphate of alumina, Sodium nitrate, Sodium acetate, Sodium Sulphate, acid Slurry, trisodium phosphate, Sodium tripoly phosphate, Sodium Silicate, Sodium metasilicate, Carboxy methylcelluiose, Sodium Sulphide, acetic acid, Sodium bi-Sulphite, oxalic acid, Sodium thio-Sulphate, Sodium Sulphate, Sodium alginate, benzene, critic acid, diethylene glycol, Sodium nitrite, hydrogen peroxide, accetal dehyde, Pentaenythate, Sodium alpha olefin, Sulphonate Sodium formate, chemical components and mixtures and all other chemicals not specified elsewhere in this Schedule or in any other Schedule
48	C.P. accessories
49	Deccan hemp products other than deccan hemp fibre
50	Detergents whether cake, liquid or powder, toilet soap, washing soap, laundry brighteners, abir, blue, stain busters, stain removers and all kinds of cleaning powder and liquids
51	Dextrose monohydrate or powder for food drink having dextrose monohydrate as major ingredient
52	Diesel locomotive and parts and accessories thereof
53	Doors, windows, ventilators, partitions, stands, ladders, etc. made of any materials
54	Dry fruits, nuts and kernel such as almond, pistha, dry grapes, figs, apricots, walnut, cashew kernel other than those specified elsewhere in this Schedule
55	Duplicating machines , photo copying machines, reprographic copiers including roneo machines, reprographic copiers including

	duplicators and any other apparatus for obtaining duplicate copies, parts and accessories thereof, ribbons, plates used therewith
56	Dehydrated vegetables and vegetable, mushrooms, Processed vegetables
57	Electric motors, spare parts and accessories
58	Electrical domestic and commercial appliances including – food processors like mixer, grinder, ovens, frying pans, roti-maker, rice cooker, deep fat frier, curd maker, hot food cabinet, water heater including immersion heater, electric kettle, electric knife, cooking ranges, washing machine, dish washer, electric iron, electric hair drier, electric hair remover, shavers, electric time switches, mechanical timers, vacuum cleaner, water purifier, drier, coffee roasting appliances, floor polishers, massage apparatus, sharpeners, bending machines other than those specifically included under any other entry in this schedule or in any other schedule
59	Electrical goods of all kinds used in the generation, transmission, distribution or in the connection with the consumption of electricity, including all kinds of transformers, inverters, voltage stabilizers, wires and cables, holders, plugs, sockets, switches, capings, reapers, bends, junction boxes, coupling boxes, meter boxes, switch boxes, fuse switch boxes, distribution boxes, power meters, meter boards, switch boards, penal boards, distribution boards, electrical relays, single phasing preventors, wooden plugs, lighting arrestors, electrical earthenware and porcelainware, circuit breakers, starters, chokes, power supply indicators, winding wires and strips, jointing materials, heating elements, general lighting system(GLS) lamps, bulbs, tubs, light fittings, chandeliers and their shades, fans , air circulators, protectors, stands, fixtures, fittings, bettens, brackets, sound or visual signaling apparatus such as bells, sirens, indicator penal, burglar or fire alarms other than those specifically included under any other entry in this schedule or in any other schedule
60	Electronic goods (i) electronic systems, instruments, apparatus and appliance including television, audio & video cassette tape recorder, compact disc writer, audio & video cassettes, audio & video magnetic tapes and CDs, video cassette players, automatic teller machines, music systems, amplifier, graphic equalizer, synthesizer, tuner, tape deck, record player, record changer, compact disc player, speaker, sales register; (ii) components, spare parts and accessories thereof including cathode ray tube, electronic

	wires, sleeves, casings, cappings, cables, switches, plugs, holders, jacks, connectors, chokes, starters, relays, fuses, head cleaners and lubricants of all kinds other than those specifically included in any other entry in this schedule or in any other schedule
61	Electroplated nickel, chromium silver or german silver goods
62	Empty gas cylinders
63	Fax machines and their parts and accessories
64	Fibreglass sheets and articles made of fibreglass other than those specifically included in this schedule or in any other schedule
65	Fire fighting equipments and devices
66	Fire works including coloured matches
67	Floor and wall tiles of all varieties (i) Ceramic tiles, glazed floor, roofing and wall tiles; (ii) Cuddappah stone slabs and Shahabad stone slabs; (iii) (a) Granite blocks (rough or raw); (b) Polished granite slabs, including tomb stones, monument slab and head stone; (iv) Black stone, kota stone or any other natural stone, (v) Marbles, that is to say, -(a) Marble boulders or lumps, (b) Marble slabs (c) Marble chips (d) Marble dusts (e) marble floor tiles and wall tiles (f) Other articles made of marbles (vi) Mosaic tiles, chips and powder
68	Floor coverings, that is to say, (i) carpets, durries, druggets, <i>kalins</i> , <i>galichas</i> , carpetry and rugs whether tufted, piled or otherwise whether made from cotton, silk, synthetic or other fibres, whether machine made, handmade or made on handlooms but excluding jute carpets, coir carpets or mattings, handmade or handloom made woven durries and jamakkalams; (ii) Laminated, impregnated or coated matting materials such as linoleum including PVC(vinyl) materials
69	Foam rubber products, plastic form products, or other synthetic foam products of every description including; (i) sheets; (ii) cushions (iii) pillows and (iv) mattresses
70	Food – (i) Ready to serve foods and food preparations including instant foods, pickles, chatnis, sauces, jams, marmalades, jellies, sweets and sweet meats, confectionery, chocolates, toffees and savories like chips and popcorn; (ii) Sweets made of groundnuts, gingilly; (iii) Fried, roasted or salted grams and kernels; (iv) Semi-cooked or semi-processed food stuffs like coconut milk, coconut milk powder, food mixes, noodle, vermicelli and macaroni including spaghetti and cornflakes, vegetative and animal

	preparation sold in sealed container; (v) Food colours, essences of all kinds and powders or tablets used for making food preparation; (vi) Fruits other than dry fruits and vegetables products when sold in tins, cans, bottles or in any kind of sealed containers; (vii) Paste of onion, ginger or garlic and similar other pastes and combination thereof, including curry paste, when sold in sealed container
71	Footwear of all kinds excluding plastic footwear and hawai chappals
72	Fruit oils like – grape oil, orange oil, lemon oil, lime oil, carrot oil etc (ii) Leaves oil such as mint oil, curry leaf oil etc.
73	Fruits sold in preserved form
74	Fur, skins with fur, and articles made of fur, skin and leather
75	Furnaces and boilers of all types including fluidized bed boilers and ignifluid boilers and boilers using agricultural waste as fuel but not including boilers using municipal waste only as fuel
76	Furniture made from any material whether sold in assembled or unassembled form and ready to assemble, and parts thereof. Explanation:- Slotted angles, gussets, plates, panels and strips which when assembled form furniture or equipments, shall be deemed to be furniture or office equipments as the case may be, for the purpose of this item.
77	Garden and beach umbrellas and parts thereof
78	Garnet sand
79	Gas cylinders, gas stove, burners and other accessories thereof
80	Gases, liquefied or not, other than those specifically mentioned in this schedule or in any other schedule
81	Glass and glassware other than those specified elsewhere in this schedule or in any other schedule
82	Glycerin
83	Hair – (i) Human hair; (ii) Wigs
84	Handicrafts made out of any material including jute table mats, jute door mats, jute handicrafts, jute wall hangings, bidariware, handmade pottery items, hand made lamps, art works, dokra items, coconut shell articles, conch and shell articles, palm leaves articles, papier-machine articles, screwpine articles, straw articles, wood carvings and wood figure, wooden inlaid articles
85	Handlooms Machinery and parts and accessories thereof
86	Helmets
87	Hollow polyester fibre

88	Hospital instruments, apparatus, appliances, tools and aids used in medical, surgical, dental, veterinary sciences or physiotherapy including electrical and electronic equipments and appliances; syringes and needles; operation theatre equipments; shadow bulbs and tubes, specially made operation and examination tables and cots and suction apparatus; stands, stretchers, trolleys, dental chairs, laboratory equipments and glassware; stethoscopes, thermometers, lacometers, B.P.instruments, surgical cotton wool; enema cans, bed pans, kidney trays and such other hospital ware; surgical gloves, aprons, operation suits, rubber sheets, catheters, I.V.sets and the like; cervical collars, abdominal belts, telonet paraffin gauze dressing, ultrasound jelly, pinchers (steel), medical oxygen, medical kits, medical disposable intravenous administration set, thermometer, mechanical nasal filters, instrument steriliser, hospitalwares, gypsona plaster of paris, bandage, fixed, partial dentures, enameled iron trays, and abasis (used in the hospitals), Hospital instruments – ECG instrument, ECG recording chart, ECG jelly, diagnostic and therapeutic equipments, drip set, disposable hypodermic needles, cotton buds, bed elevators, absorbent cotton rolls and the like
89	Instant tea and instant coffee
90	Insulated flexible air ducts made of PVC or other materials
91	Internal combustion engine, marine engine, diesel engine, oil engine, generators, their spare parts, other than those specifically mentioned in this Schedule.
92	Ivory, rosewood and sandalwood articles
93	Jute-cum-polypropylene coverings
94	Key chains and key holders
95	Kitchenware including crockery, cutlery, non-stock wares, heat resistant cookware, cook and serve ware to keep food warm, casseroles, pressure cookers, pressure stoves, gas stoves, ovens, water filters and similar home appliances not coming under any other entry in this Schedule or in any other schedule
96	Laboratory reagents, disinfectants
97	Laminated board of sheet of all varieties and description including expanded polystyrene of all kinds of mica, sunmica, formica, decolam, copper-clad board or sheet
98	Leather goods
99	Lifts, elevators, hoists, whether operated by electricity, hydraulic powder, mechanical power or steam

100	Light roofing sheets (obtained by immersing paper mat in bitumen)
101	Lighters of all kinds including spark lighters
102	Liquified petroleum gas
103	Locks, padlocks and keys (all kinds)
104	Low sulphur heavy stock (LSHS)
105	Lubricants
106	Machinery of all kinds (other than those specifically mentioned in this schedule) worked by (i) Electricity (ii) Nuclear power (iii) Hydro-dynamic and steam power (iv) Diesel or petrol (v) Furnace oil (vi)Kerosene (vii) Coal including coke and charcoal (viii) Any other form of fuel or power (excluding human or animal labour) (ix) Parts and accessories of machineries and tools used with the machineries mentioned in sub-items (i) and (iii) above.
107	Maize products that is to say – liquid glucose, dextrose, monohydrate, malto dextrine, glucose ‘D’, maize gluten, maize oil, hydrol corn steep liquor
108	Measuring devices such as (i) vernier caliper, screw gauge, depth gauge, coating thickness gauge, dial indicator, outside micro meter, mitutoya cylinder gauge, precision thread rink guage, precision ply gauge, colour comparator, water meters, gas meters, industrial thermometers, parts and accessories thereof; (ii) weighing machines of all kinds including platform scales, weigh bridges, counter scales, spring balances, weighing scales and balances, parts and accessories of such machines and weights used therewith (iii) dipping measures, metric pouring measures, conical measures, cylindrical measures (iv) meter scales, measuring tapes, steel yards and survey chains
109	Meat, poultry, fish, sea food, egg, fruits and vegetables preserved and sold in airtight containers
110	Mercury
111	Menthol
112	Metallic products other than those specified elsewhere in this schedule or in any other schedule
113	Micro cellular rubber
114	Milk products including condensed milk, skimmed milk powder, ghee, Panner, cheese, butter, butter oil, ice creams, margarine, whether or not bottled, canned or packed
115	Mosquito repellents including electric or electronic mosquito repellents, gadgets and insect repellents, devices and parts and

	accessories thereof
116	Motor coolant, solvent oil and transformer oil
117	Motor vehicle, chassis of motor vehicles, motor cycles, motor combinations, motor scooter, mopeds, motorettes, three wheelers, motor vessels, motor engine, trailers, motor bodies built on chassis of motor vehicles and bodies build on motor vessels, components, spare parts and accessories thereof
118	Motor, operated electrically or otherwise, and pump operated with or without motor, including spare parts, components and accessories of such motor and pump
119	Musical instruments, electrical and electronic
120	Monoculars monocular
121	Maize starch, maize gem
122	Naphtha
123	Natural & synthetic essential oils not elsewhere specified in this schedule or in any other schedule
124	Non-alcoholic beverages and their powders, concentrates and tablets including (i) aerated water, soda water, mineral water, water sold in sealed containers or pouches, (ii) fruit juice, fruit concentrate, fruit squash, fruit syrup and fruit cordial, (iii) soft drinks, (iv) health drinks of all varieties, (v) other non-alcoholic beverages; not falling under any other entry in this schedule or in any other schedule
125	Office machines, equipments and apparatuses including franking, address-printing, tabulating, cash registering, cheque writing, accounting, statistical, indexing, punching machines, stapler machines, card punching and paper shredding machines and apparatuses; paper pins, pen stands, pencil lead, pencil sharpeners, permanent makers, refill leads, stamp racks, stapler pins, rulers of all kinds, gulli pins and pin studs
126	Optical goods, that is to say, - spectacles, sun glasses, goggles, lenses and frames including attachment, parts and accessories thereof and lens care solution
127	Pyrogenic metal powders
128	Paints, lacquers, polishes and enamels not otherwise specified in this schedule, including powder paints, stiff paste paints and liquid paints; (ii) Colours (iii) Pigments, including water pigments and leather finishes; (iv) Dry distempers including cement based water-paints, oil-bound distempers, plastic emulsion paints; (v) Varnishes, french polish, bituminous and coal-tar blacks; (vi) Cellulose

	lacquers, nitro-cellulose lacquers, clear and pigments and nitro-cellulose ancillaries in liquid, semi-solid or pasty forms; (vii) Turpentine oil, bale-oil, white oil (viii) Diluents and thinners including natural and synthetic drying and semi-drying oils such as double boiled linseed oil, blown linseed oil, stand oil, sulphurised linseed oil, parilla oil, whate oil and tung oil; (ix) Glaziers putty, grafting putty, resin cements, caulking compounds and other mastics, painters fillings, non-refractory surfacing preparations for facades, indoor walls, false ceiling or the like; (x) Primers of all kinds (xi) All other materials used in painting and varnishing such as paint brushes, paint removers and stainers of all kinds and the like
129	Pan masala, pan chutney, scented supari and the like
130	Paper envelopes whether printed or not, paper cups, pulp moulded products such as eggs tray and other paper products
131	Paraffin wax – food grade standard
132	Perambulator including push chair for babies, and spare parts, accessories and components thereof
133	Photographic cameras and enlargers, flash light apparatus, photo blocks, lenses, films including x-ray films and film packs and plates, X-ray machine, scanners, medical imaging equipments, chemicals used in the photographic development and printing process, paper and cloth, photo albums, stamp, photo frames, photo mounts and other parts and accessories required for use therewith.
134	Plaster of paris
135	Plastics sheets and articles made from all kinds and all forms of plastic including articles made of polythene, polyvinyl chloride, poly propylene, polyesterene and the like materials, but excluding those specified in any other schedule.
136	Playing cards of every description
137	Plywood, veneer plywood, hard board, particle board, block board, insulation board, laminated board, batten board, hard or soft wall ceiling, floor boards, and similar boards of wood of all kinds, whether or not containing any material other than wood; (ii) All other non-soft boards or insulating material made of any other material other than wood
138	Pollution control equipments, namely:- (i) Water pollution control equipments – Coarse screen / micro screen (stainless steel/ mild steel), Rotary screen / comminutor (stainless steel / detritor), Racker arms, weirs, paddles, motor with reduction gear

	arrangements intended for clarifiers for liquid waste treatment, surface aerators / floating aerators and accessories, diffuses of all types for supply of air in liquid waste treatment, radial arms and accessories for trackling filters, demineraliser for effluent treatment, synthetic packing media for trackling filters, packed bed columns / towers for effluent treatment, headers and laterals with accessories for trickling filters, digestors, gas meters and electrical heaters for digestors, gas holding tanks for digestors.
139	Power driven pumps for liquids and liquid elevators whether or not fitted with a measuring device excluding centrifugal pumps, monoblock pump sets, submersible pumps and parts and accessories which are actually adapted for use with pumps and valves
140	Power factors and shunt capacitors of all kinds
141	Packing cases and packing materials including cork sheets, gunny bags, HDPE / PP woven strips, HDP / PP Circular strips and woven fabrics Hessain cloth, hessain based paper, polythene and Hessain based paper, high density polythene fabric based paper and bituminised water proof paper, jute twine, polythene and plastic bags including LDPE plastic bags for milk pouches. Tin containers, shooks, tea, chests waste paper, wooden boxes, wooden shavings, wooden crates, wooden cable drums or other materials notified by Govt. in this behalf (Explanation p/anks panels, battens when assembled will form tea chest or packing cases will come under packing cases for the purpose of this entry
142	Petrochemicals (other than industrial inputs)
143	Petrol and diesel additives
144	Petroleum products other than specified in any other schedule
145	(A) Pollution control equipments, Instrumentation (B) B.Oc incubator (C) C.oc apparatus, Ion analyzer, (2) Air pollution control equipments- filters (fabric filters, bag filter vaccum filter), Electrostatic precipitators, cyclones, wet scrubbers, partical analyzer (So ₂ , Co, No _x , So _x , hydro Carbons, Chlorine, fluorine etc.) personal samplers, detectors (for grass), high volume sampler, pressure gauges, timber, filter head assembly, pitet tube, sanpling train (for ambient / stack air Quality monitoring) smoke meter, mist eliminator
146	Rail coaches, wagons and parts and accessories thereof
147	Rain coat, tarpaulin and products of waterproof cloth, rexin and PVC cloth.

148	Rolling shutters and collapsible gates whether operated manually, mechanically or electrically and their parts
149	Rough synthetic gem boules
150	RTS grills
151	Rubber products, synthetic rubber products and products of mixture of rubber and synthetic rubber including tread rubber not elsewhere mentioned in this Schedule or in any other schedule
152	Saccharine
153	Saffron
154	Sanitary towels, sanitary napkins, beltless napkins and tampous, baby diaper, baby nappies, disposable diapers
155	Scientific instruments and lab equipments like optical instruments, electrical instruments, scientific balance, acoustic instruments, and mechanical instruments
156	Shaving set, safety razor, razor blades, razor cartridge, shaving brush, shaving cream, shaving soap, after shave lotion and hair comb
157	Shoe polish including shoe wax, cream and whitener
158	Silverware
159	Sound transmitting equipments including loudspeakers, Dictaphones, amplifiers and similar apparatus for recording and reproducing sound and spare parts and accessories thereof
160	Soya milk
161	Sports goods excluding footwear and apparels
162	Stainless steel sheets not falling under declared goods
163	Spriulina products and other supplemental diet products in the form of pills, powders, capsules, etc.
164	Stainless steel products excluding utensils
165	Strong room or vault doors and ventilators, armored or reinforced safes, strong boxes and doors, cash chests, cash or deed boxes, wall coffer, safe deposit lockers and locker cabinets
166	Studio backgrounds including lighting control reflectors, tri-reflector, modifiers, backgrounds, curtains backgrounds, etc.
167	Suit cases, brief cases, attaché cases, dispatch cases, trunks, purses, hand bags, vanity bags, vanity cases and vanity boxes
168	Synthetic gems
169	Tabulating, calculating machines, parts and accessories thereof
170	Tailoring materials, namely needles, scissors, hooks, buttons, zips, buckles, measuring tape and stick, collars and collar bones, horn

	buttons, indent hooks and eyes, jean buttons, knitting pins, long stitch kits, MS coated button / stars, zip fasteners, zippers, cuff links, crochet hooks
171	Tanning barks
172	Telecommunication apparatus and ribbons used therewith not falling under any other entry in this Schedule or in any other schedule.
173	Television sets and component parts and accessories thereof
174	Timber. Explanation : Timber includes all kinds of wood, standing trees, logs, planks, rafters of any size or variety other than those coming under any specified entry in this schedule or in any other schedule
175	Tools and wear parts such as twist drills, taps, reamers, spanners, screw-drivers, files, cutting pliers, hammers, cutters, dies, button bits, tungsten, carbide wear parts, ceramic industrial wear parts and the like
176	Tooth paste, tooth powder (whether medicated or not), tooth brush and other dentifrices, mouth washes and deodorants
177	Torch light and bulbs
178	Toys of all kinds including electrical and electronics toys
179	Transport equipments other than those specifically mentioned in this schedule
180	Typewriters, typewriter ribbon used therewith, whether or not in spools, correction fluids and spare parts
181	Tyres and tubes other than those for bicycles, tri-cycles, cycle rickshaws and wheel-chairs; flaps
182	Vacuum flasks of all kinds and descriptions including refills for such flasks and thermally insulated flasks, containers and vessels including thermoses, thermic jugs, ice buckets or boxes, tins and receptacles to keep food or beverages or other articles hot or cold and components and accessories thereof
183	Vegetable, mineral and other preparations, tonics, food supplements, appetizers, dietical foods and all other preparations for human consumption in liquid, pill, powder forms, whether prepared according to pharmacopial standards of otherwise, other than those specified elsewhere in this schedule
184	Vinegar
185	Watches, clocks, time-pieces (whether or not in combination with any other devices), stop watches, time switches, mechanical-timers,

	time-records, auto print time punching clocks, time-registers, instrument panel clocks of all kinds including all such electronic devices, parts and accessories thereof, watch bands, watch bracelets, watch chains, watch straps
186	Water – distilled water, medicinal water, ionic water, battery water, de-mineralised water
187	Water filter of all varieties and descriptions
188	Water proofing, damp proofing and weather proofing compounds
189	Water supply and sanitary equipments and fittings of every description including storage tanks, sinks, wash basins, wash basin pedestals, taps, pipe-fittings, bath showers, bidets, water closet pans, flushing cisterns, urinals, commodes, man-hole covers used in connection with drainage and sewerage disposals, parts and accessories thereof;
190	Welding rods
191	Wireless reception instruments and apparatus, transistor radio, radio, radiograms and transistors and components thereof including all electrical valves, accumulators, amplifiers and loud speakers which are used exclusively in such instruments and apparatus.
192	Yeast-fresh, dried or compressed; yeast extract-paste of powder and yeast cell wall
193	Miscellaneous items not covered in any other Schedule

Schedule II (c)
List of goods taxable @ 1 %

Sl. No.	Description
1	Gold, Silver and other precious Metals
2	Articles of gold, silver and precious metals including jewellery made from gold, silver and precious metals
3	Precious stones

Schedule II (d)

List of goods which are to be kept outside VAT and taxable at the first point of sale within Tripura at such rates as may be specified by the Government from time to time by notification in the Official Gazette.

Sl No.

Description

- 1 Aviation gasoline, Aviation turbine fuel and all other varieties of fuel for air crafts
- 2 Diesel
- 3 Liquor
- 4 Lottery tickets
- 5 Molasses
- 6 Narcotics
- 7 Petrol

**Schedule III
Exempted goods**

Sl. No.

Description

- 1 Agricultural implements manually operated or animal driven
- 2 Aids and implements used by handicapped persons
- 3 Aquatic feed, poultry feed and cattle feed including grass, hay and straw
- 4 Betel leaves
- 5 Books, periodicals and journals
- 6 Charkha, Ambar Charkha ; handlooms and handloom fabrics and Gandhi Topi,
- 7 Charcoal
- 8 Coarse grains other than paddy, rice and wheat
- 9 Candoms and contraceptives
- 10 Cotton and silk yarn in hank
- 11 Curd, Lussi, butter milk and separated milk
- 12 Earthen pot
- 13 Electrical energy
- 14 Firewood
- 15 Fishnet and fishnet fabrics
- 16 Fresh milk and pasteurised milk
- 17 Fresh plants, saplings and fresh flowers
- 18 Fresh vegetables & fruits
- 19 Garlic and giner
- 20 Glass bangles
- 21 Human blood and blood plasma

22	Indigenous handmade musical instruments
23	Khmkum, bindi, alta and sindur
24	Meat, fish, prawn, and other aquatic products when not cured or frozen ; eggs and livestock and animal hair
25	National flag
26	Organic manure
27	Non-judicial stamp paper sold by Government Treasuries ; postal items like envelope, post card etc. sold by Government ; rupee note, when sold to the Reserve Bank of India and cheques, loose or in book form
28	Raw wool
29	Semen including frozen semen
30	Silk worm laying, cocoon and raw silk
31	Slate and slate pencils
32	Tender green coconut
33	Toddy, Neera and Arak
34	Unbranded bread
35	Unprocessed and unbranded salt
36	Water other than –
	i) aerated, mineral, distilled, medicinal, ionic, battery, de-mineralised water, and
	ii) water sold in sealed container
37	Prasdam, bhog or mahabhog by religious institutions
38	Rakhi
39	Religious pictures not for use as calendar
40	Sacred thread, commonly known as yagyopavit
41	Chalk stick
42	Idols made of clay
43	Coconut in shell & separated kernel of coconut other than kopra
44	Bamboo matting
45	Puffed rice, commonly known as Muri, flattened or beaten rice, commonly known as Chira, parched rice, commonly known Khoi, parched paddy or rice coated with sugar or gur, commonly known as Murki
46	Unprocessed green leaves of tea
47	Paddy, rice, wheat and pulses.

Schedule IV

Negative list of items of capital goods for input tax credit

Sl No.	Description
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- 1 Civil structure and immovable goods or properties.
- 2 Building material used in construction activity (Tax credit will be available to contractors for their transactions)
- 3 Vehicles of all types
- 4 Office equipment.
- 5 Furniture, fixture including electrical fixtures and fittings.
- 6 Capital goods purchased prior to the appointed day (Date of commencement of VAT Act)

Schedule V
Tax Invoices, Credit Notes and Debit Notes.

Sl No.

Description

- 1 A tax invoice as required under this Act shall, unless the Commissioner provides otherwise, contain the following particulars:
 - (a) the words “ tax invoice” written in a prominent place;
 - (b) the commercial name, address, place of business, and the taxpayer identification number of the taxable person making the supply;
 - (c) the commercial name, address, place of business, and the taxpayer identification number of the recipient of the taxable supply;
 - (d) the individualized serial number and the date on which the tax invoice is issued;
 - (e) a description of the goods or services supplied and the date on which the supply is made;
 - (f) the quantity or volume and the unit price of the goods supplied; and
 - (g) the rate and total amount of the tax charged, the consideration for the supply exclusive of tax and the consideration inclusive of tax.
2. A credit note as required under this Act shall, unless the Commissioner provides otherwise, contain the following particulars:
 - (a) the words “ credit note ” in a prominent place;
 - (b) the commercial name, address, place of business, and the taxpayer identification number of the taxable person making

- the supply;
- (c) the commercial name, address, place of business, and the taxpayer identification number of the recipient of the taxable supply;
 - (d) the date on which the credit note was issued;
 - (e) the taxable value of the supply shown on the tax invoice, the correct amount of the taxable value of the supply, the difference between those two amounts, and the tax charged that relates to that difference;
 - (f) a brief explanation of the circumstances giving rise to the issuing of the credit note; and
 - (g) information sufficient to identify the taxable supply to which the credit note relates.
- 3 A debit note as required under this Act shall, unless the Commissioner provides otherwise, contain the following particulars:
- (a) the words “ debit note ” in a prominent place;
 - (b) the commercial name, address, place of business, and the taxpayer identification number of the taxable person making the supply;
 - (c) the commercial name, address, place of business, and the taxpayer identification number of the recipient of the taxable supply;
 - (d) the date on which the debit note was issued;
 - (e) the taxable value of the supply shown on the tax invoice, the correct amount of the taxable value of the supply, the difference between those two amounts, and the tax charged that relates to that difference;
 - (f) a brief explanation of the circumstances giving rise to the issuing of the debit note; and
 - (g) information sufficient to identify the taxable supply to which the debit note relates.

Schedule VI
List of Industrial inputs

1	<i>Animal including fish fats, oils, crude, refined or purified</i>
2	Glycerol, crude, glycerol waters and glycerol lyes
3	Vegetable waxes, bees wax etc.

4	Animal or vegetable fats boiled, oxidised, dehydrated etc.
5	Liquid glucose (non-medicinal), Dextrose syrup
6	Denatured ethyl alcohol of any strength
7	Manganese ores and concentrates
8	Copper ores and concentrates
9	Nickel ores and concentrates
10	Cobalt ores and concentrates
11	Aluminium ores and concentrates
12	Lead ores and concentrates
13	Zinc ores and concentrates
14	Tin ores and concentrates
15	Chromium ores and concentrates
16	Tungsten ores and concentrates
17	Uranium or thorium ores and concentrates
18	Molybdenum ores and concentrates
19	Titanium ores and concentrates
20	Niobium, tantalum, vanadium or zirconium ores and concentrates
21	Precious metal ores and concentrates
22	Other ores and concentrates
23	Granulated slag (slag sand) from mfg. Of iron or steel
24	Benzole
25	Toluole
26	Xylole
27	Napthalene
28	Phenols
29	Creosole oils
30	Normal Paraffin
31	Butadine
32	Bitumen
33	Flurine, chlorine, bromine and iodine.
34	Sulphur, sublimed or precipitated, colloidal sulphur
35	Carbon (carbon blacks & other forms of carbon)
36	Hydrogen, rare gases & other non-metals.
37	Alkali or alkaline earth metals
38	Hydrogen chloride
39	Sulphuric acid and anhydrides
40	Nitric acid, sulphonitric acids
41	Diphosphorous penataoxide, phosphoric acid etc.

42	Oxides of boron, boric acids
43	Halides and halide oxides of non-metals
44	Sulphides of non-metals
45	Ammonia, anhydrous
46	Sodium hydroxide (caustic soda), Potassium hydroxide (caustic potash)
47	Hydroxide and peroxide of magnesium.
48	Aluminium hydroxide
49	Chromium oxides and hydroxides.
50	Manganese oxides.
51	Iron oxides and hydroxides
52	Cobalt oxides and hydroxides
53	Titanium oxides.
54	Hydrazine & hydroxylamine and their inorganic salts.
55	Fluorides, fluorosilicates, etc.
56	Chlorides, chloride oxides
57	Chlorates and perchlorates, Bromates etc.
58	Sulphides, Polysulphides.
59	Dithionites and sulfoxylates.
60	Sulphites, thiosulphates
61	Copper sulphate
62	Nitrites, nitrates
63	Phosphinates, phosphonates, etc.
64	Carbonates, peroxocarbonates.
65	Cyanides, cyanide oxides.
66	Fulminates, cyanates and thiocyanates.
67	Borates, peroxoborates
68	Sodium dichromate.
69	Potassium dichromate.
70	Radioactive chemical elements.
71	Isotopes and compounds.
72	Compounds, inorganic or organic of rare earth metals.
73	Phosphides, whether or not chemically defined.
74	Calcium carbides.
75	Ethylene, Propylene.
76	Cyclic Hydrocarbons.
77	Halogenated derivatives of Hydrocarbons.
78	Sulphonated, nitrated or nitrosated derivatives of hydrocarbons.

79	Methanol
80	DI-Ethylene Glycol, Mono-Ethylene Glycol
81	Cyclic alcohols
82	Halogenated, sulphonated derivatives of products.
83	Ethers, ether-alcohols, ether-phenols etc.
84	Expoxides, epoxyalcohols, epoxyethers.
85	Ethylene Oxide
86	Acetals and hemiacetals.
87	Aldehydes whether or not with other oxygen function.
88	Halogenated, sulphonated, nitrated derivatives of phenols alcohols.
89	Saturated acyclic monocarboxylic acids.
90	Unsaturated acyclic monocarboxylic acids.
91	Polycarboxylic acids.
92	Carboxylic acids.
93	Phosphoric ester and their salts.
94	Esters of other inorganic acids.
95	Amine-function compounds.
96	Oxygen - function amino-compounds.
97	Quaternary ammonium salts and hydroxides.
98	Carboxamide-function compounds.
99	Carboxamide-function compounds including saccharin and its salts.
100	Nitrile-function compounds.
101	Diazo-, Azo- or azoxy-compounds.
102	Organic derivatives of hydrazine or of hydroxylamine.
103	Organo-sulphur compounds.
104	Ethylene Diamine Tetra Acetic Acid.
105	Heterocyclic compounds with oxygen heteroatom(s) only.
106	Heterocyclic compounds with nitrogen heteroatom(s) only.
107	Nucleic acids and their salts.
108	Sulphonamides.
109	Glycosides, natural or reproduced by synthesis and their salts.
110	Vegetable alkaloids, natural or reproduced by synthesis and their salts
111	Tanning extracts of vegetable origin.
112	Synthetic organic tanning substances.
113	Colouring matter of vegetable or animal origin.
114	Synthetic organic colouring matter.
115	Colour lakes.
116	Glass frit and other glass.

117	Other
118	Printed driers.
119	Printing ink whether concentrated or solid.
120	Casein, Caseinates.
121	Enzymes, Prepared enzymes.
122	Artificial graphite.
123	Activated carbon.
124	Residual lyes from mfg. Of wood pulp.
125	Rosin and resin acids and derivatives.
126	Wood tar, wood tar oils.
127	Finishing agents, fixing of dye-stuffs.
128	Prepared rubber accelerators.
129	Reducers and blanket wash/roller wash.
130	Reaction initiators, reaction accelerators.
131	Mixed alkylbenzenes.
132	Chemical elements doped.
133	Industrial monocarboxylic fatty acids.
134	Retarders.
135	LLDPE/LDPE
136	HDPE
137	Polymers of propylene.
138	PVC
139	Acrylic polymers.
140	Polyacetals.
141	Polythene chips
142	Polyamides.
143	Amino-resins, polyphenylene oxide.
144	Silicons.
145	Petroleum resins.
146	Cellulose and its chemical derivatives.
147	Natural polymers.
148	Ion-exchangers based on polymers.
149	Self-adhesive plates, sheets, film, strip of plastics.
150	Flexible plain films.
151	Articles for conveyance or packing of goods of plastics.
152	Natural rubber, balata, gutta percha.
153	Synthetic rubber and factice derived from oils.
154	Reclaimed rubber.

155	Compounded rubber, unvulcanised.
156	Mechanical wood pulp, chemical wood pulp, semi-chemical wood pulp
157	Cartons, Boxes.
158	Paper printed labels, paperboard printed labels.
159	Paper self-adhesive tape.
160	Partially oriented yarn, polyester texturised yarn.
161	Polyester Staple Fibre & Polyester Staple Fibre Fill.
162	Polyester Staple Fibre waste.
163	Sacks and bags, of a kind used for packing of goods.
164	Carboys, bottles, jars, phials of glass.
165	Stoppers, caps and lids.

Schedule VII
List of I.T. Products.

1	Word processing machines, Electronic typewriters
2	Microphones, multimedia speakers, headphones etc.
3	Telephone answering machines
4	Prepared unrecorded media for sound recording
5	Prepared unrecorded media for sound recording
6	IT software or any media.
7	Transmission apparatus other than apparatus for radio or T.V. broadcasting
8	Radio communication receivers, Radio Pagers
9	Aerials, antennas and parts
10	LCD Panels, LED panels and parts.
11	Electrical capacitors, fixed, variable and parts
12	Electronic calculators
13	Electrical resistors
14	Printed Circuits
15	Switches, Connectors, Relays for up to 5 amps
16	DATA/Graphic Display tubes, other than Picture tubes and parts
17	Diodes, transistors & similar semi-conductor devices
18	Electronic Integrated Circuits and Micro-assemblies
19	Signal Generators and parts
20	Optical fibre cables
21	Optical fibre and optical fibre bundles, cables
22	Liquid Crystal devices, flat panel display devices and parts

23	Computer systems and peripherals, Electronic diaries
24	Cathode ray oscilloscopes, Spectrum analysers, Signal analysers.
25	Parts and Accessories of HSN 84.69, 84.70 & 84.71
26	D C Micromotors, Stepper motors of 37.5 watts.
27	Parts of HSN 85.01
28	Uninterrupted power supply
29	Permanent magnets and articles
30	Electrical apparatus for line telephony or line telegraphy.

STATEMENT OF OBJECTS AND REASONS

The present Tripura Sales Tax Act provides for levy of sales tax at the first point of sale only. This has created narrow tax base, which hinders substantial revenue collection. Also there is no provision for setting off of tax paid on inputs utilized by the manufacturer from tax payable on sale of finished goods. This leads to cascading effect i.e. tax on tax. The first point of sales tax system is also prone to evasion because sales once evaded from tax net is almost impossible to be detected at the subsequent points. This system of taxation also leads to devaluation of purchase and sales, and consequent concealment of sales tax. The Government is also being deprived of sales tax from retail sale price which is much higher than that in wholesale stage.

In order to eliminate the above noted demerits of first point sales tax system the State Finance Ministers decided in the year 1999, to introduce Value added Tax (VAT) system throughout India. Accordingly the Tripura Value Added Tax Bill, 2004 was drafted following the models supplied by the Govt. of India and National Institute of Public Finance and Policy (NIPFP), New Delhi. The Draft Bill was vetted by the Law Department and approved by the Council of Ministers in its meeting held on December 06, 2004. The Bill was placed before the Tripura Legislative Assembly on December 10, 2004. It was thereafter sent to the Select Committee for scrutiny. The Select Committee suggested modifications/amendments of some of the Provisions of the Draft Bill in its meetings held on January 10 & January 11, 2005. In order to introduce the Value Added Tax w.e.f. April 01, 2005, it has now become necessary to promulgate an ordinance. The Tripura

Value added Tax Ordinance, 2005 has been drafted accordingly incorporating all the Provisions of the Tripura Value Added Tax Bill, 2004 along with modifications/amendments suggested by the Select Committee.

By introducing the proposed multi-point Value Added Tax (VAT), the tax base will be broadened which will lead to substantial increase in the Collection of tax revenue and scope of tax evasion will be diminished. Also, industries will get incentive by way of setting off of sales tax deposited on purchase of raw materials from the tax to be levied on sales of finished products. There will be more transparency in the proposed tax system and cascading effect of tax on price of goods will be diminished.

(BADAL CHOUDHURY)
MINISTER, FINANCE
TRIPURA.

FINANCIAL STATEMENT

Implementation of the Tripura Value Added Tax (VAT) Ordinance is likely to involve substantial expenditure for putting required infrastructure in place. It is expected that Government of India would provide financial assistance for implementation of VAT to this State.
