
REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA FINANCE BILL, 2016
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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SUBJECT COMMITTEE VIII
(ECONOMIC AFFAIRS)
(2016-2018)

Composition

Chairman:

Dr. T. M. Thomas Isaac,
Minister for Finance and Coir.

Ex-officio Members:

Shri T. P. Ramakrishnan,
Minister for Labour and Excise

Shri G. Sudhakaran,
Minister for Public Works and Registration.

Members:

| | |
|-----------------------------------|--------|
| Shri T. A. Ahammed Kabeer, | M.L.A. |
| Dr. N. Jayaraj, | ” |
| Shri V. K. C. Mammed Koya, | ” |
| Shri D. K. Murali, | ” |
| Shri Thiruvanchoor Radhakrishnan, | ” |
| Shri Mullakkara Retnakaran, | ” |
| Shri V. D. Satheesan, | ” |
| Shri K. Suresh Kurup, | ” |

Legislature Secretariat :

Shri V. K. Babu Prakash, Secretary
Shri K. Gopakumaran Pillai, Joint Secretary
Smt. Lima Francis, Deputy Secretary
Smt. Deepa R. Krishnan, Under Secretary.

THE KERALA FINANCE BILL, 2016

(Report of the Subject Committee)

The Kerala Finance Bill, 2016 (Bill No.16) was referred to Subject Committee VIII—Economic Affairs for joint consideration with Subject Committee V—Public Works, Transport and Communications and Subject Committee XIV—Home Affairs. The joint meeting of Subject Committee V, VIII and XIV considered the Bill clause by clause and now submits this Report with the Bill as reported by the Subject Committee annexed thereto.

2. The Kerala Finance Bill, 2016 was published as a Gazette Extraordinary dated July 16, 2016. The Bill was introduced in the Assembly on July 18, 2016 and was referred to Subject Committee VIII for joint consideration with Subject Committee V, VIII and XIV on October 26, 2016.

3. The Committee considered the Bill clause by clause at the meeting held on October 27, 2016. The Committee recommends to adopt the Bill with the following modifications:—

Clause 1

For Clause 1, the following clause shall be substituted, namely:—

“1. *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 2016.

(2) Save as otherwise provided in this Act,—

(i) Clause (b) of sub-section (8) of section 9 shall be deemed to have come into force on the 1st day of April, 2005;

(ii) Clause (b) of sub-section (2) of section 9 shall be deemed to have come into force on the 1st day of April, 2013;

(iii) Sub-clause (i) of clause (a) of sub-section (2) and item (d) of sub-clause (ii) of clause (a) of sub-section (2) of section 9 shall be deemed to have come into force on the 1st day of April, 2015;

(iv) Clause (a) of section 7, section 8, item (a) of sub-clause (i) of clause (a) of sub-section (1) of section 9, item (a) of sub-clause (ii) of clause (a) of sub-section (2) of section 9, sub-section (4) of section 9, sub-clauses (i), (ii), (iii) and (v) of clause (a) of sub-section (16) of section 9 shall be deemed to have come into force on the 1st day of April, 2016;

(v) Sub-clause (i) and sub-clause (ii) of clause (b) of section 7, item (b) and (c) of sub-clause (i) of clause (a) of sub-section (1) of section 9, sub-clause (ii) of clause (a) of sub-section (1) of section 9, clause (b) of sub-section (1) of section 9, items (b) and (c) of sub-clause (ii) of clause (a) of sub-section (2) of section 9, sub-section (3) and sub-sections (5) to (7), clause (a) of sub-section (8) and sub-section (9) to (15) of section 9, sub-clause (iv), sub-clauses (vi), (vii), (viii) and (ix) of clause (a) of sub-section (16) of section 9 and clause (b) and sub-clauses (i), (ii), (iii), (v), (vi), (vii) and (viii) of clause (c) of sub-section (16) of section 9 shall be deemed to have come into force on the 18th day of July, 2016;

(vi) The remaining provisions of this Act shall come into force at once.”

Clause 2

1. In sub-clause (b) for the word “inserted” the word “substituted” shall be substituted;

2. In sub-clause (c) for the word “inserted” the word “substituted” shall be substituted.

Clause 3

1. For sub-section (1) of the Kerala Stamp Act, 1959 proposed to be inserted by clause 3 of the Bill, the following sub-section shall be substituted, namely:—

(1) in section 2,—

(a) for clause (d), the following clause shall be substituted, namely:—

(d) “Conveyance” includes,—

(i) a conveyance on sale;

(ii) deed of amalgamation of two or more companies whether in pursuance of an order of the National Company Law Tribunal or not;

(iii) deed of amalgamation in pursuance of the order under section 44A of Banking Regulation Act, 1949; and

(iv) every other instrument, by which property, whether movable or immovable or any interest in any property is transferred inter vivos and which is not otherwise specifically provided in the Schedule”;

(b) in clause (1) after item (vii) following items shall be inserted, namely:—

“(viii) an agreement relating to installation of ATM/CDM or both of them between banks and the land owner or renewal of such an agreement;

(ix) an agreement relating to installation of Mobile Tower, between a company and the land owner or renewal of such an agreement”.

2. after clause (d) of the following shall be inserted:

(i) (da) after serial number 22 and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

“22 A. Conveyance as defined in item (ii) and (iii) of section 2 (d) not being a transfer charged or exempted under no. 55.

Five rupees for every 100 rupees or part thereof of the fair value of the land and the value of other immovable properties of the transferor company, which is the subject matter of the conveyance; or the aggregate of the market value of shares or other marketable securities, which is the subject matter of the conveyance issued or allotted in exchange or otherwise; or the amount of consideration paid for such amalgamation whichever is higher”.

(ii) for item (f) of sub-clause (3) of clause 3, the following shall be substituted, namely:—

in serial number 31, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

“*Gift*.—instrument not being a settlement or will or transfer,

(a) Where the gift is in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister or grandchildren of a person and if—

(i) the extent of land involved in the property transferred by the instrument is five acres or less

Two rupees for every rupees 100 or part thereof of the fair value of the property and the value of the other properties set forth in the instrument or the value of all the properties set forth in the instrument whichever is higher, subject to a maximum of rupees 1,000.

(ii) the extent of land involved in the property transferred by the instrument is above five acres

Two rupees for every rupees 100 or part thereof of the fair value of the property and the value of the other properties set forth in the instrument or the value of all the properties set forth in the instrument whichever is higher.

(b) in any other case

The same duty as a conveyance (No.21 or 22 as the case may be)”;

(iii) for item (b) of sub-clause (3) of clause 3, the following shall be substituted, namely:—

in serial number 42, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

“Partition.—Instrument of (as defined by section 2 (k):

(a) Where the partition is among all or some of the members of the family and if—

(i) the extent of land involved in the property divided by the instrument is five acres or less

One rupee for every rupees 100 or part thereof of the fair value of the separated share or shares of property and the value of other properties in such separated share or shares set forth in the instrument, or of the value of all the properties of the separated share or shares as set forth in the instrument, whichever is higher, subject to the maximum of rupees 1,000.

(ii) the extent of land involved in the property divided by the instrument is above five acres.

One rupee for every rupees 100 or part thereof of the fair value of the separated share or shares of property and the value of other properties in such separated share or shares set forth in the instrument, or of the value of all the properties of the separated share or shares as set forth in the instrument, whichever is higher.

(b) in any other case

Six rupees for every rupees 100 or part thereof of the amount of the value or fair value of the separated share or shares of the property whichever is higher”.

(iv) for item (i) of sub-clause (3) of clause 3, the following shall be substituted, namely:—

in serial number 48, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

“Release, that is to say, any instrument (not being such a release as is provided in section 24), whereby a person renounces a claim upon another person or against any specified property—

(a) When such release operates in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister, grandchildren or legal heirs of the deceased children of a person and if—

(i) the extent of land involved in the property in which right relinquished by the instrument is five acres or less

One rupee for every rupees 100 or part thereof of the amount of the fair value of other properties or claims of which the right is relinquished in proportion to right relinquished or value of all the properties or claims of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher, subject to a maximum of Rupees 1,000.

(ii) the extent of land involved in the property in which right relinquished by the instrument is above five acres

One rupee for every rupees 100 or part thereof of the amount of the fair value of other properties or claims of which the right is relinquished in proportion to right relinquished or value of all the properties or claims of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher”.

(b) in any other case

The same duty as a conveyance (No.21 or 22 as the case may be) for such amount or value of the property or claim or fair value of the property of which the right is relinquished in proportion to right relinquished or consideration for the release, whichever is higher.

(v) for item (j) of sub-clause (3) of clause 3, the following shall be substituted, namely:—

in serial number 51, clause (a), for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

“Settlement—

A. instrument of (including a deed of dower),

(a) Where the settlement is in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister or grandchildren of a person and if—

(i) the extent of land involved in the property settled by the instrument is five acres or less

Two rupees for every rupees 100 or part thereof of the amount of the fair value of other properties set forth in the instruments or the value of all properties set forth in such instrument, whichever is higher, subject to a maximum of Rupees 1,000.

(ii) the extent of land involved in the property settled by the instrument is above five acres

Two rupees for every rupees 100 or part thereof of the fair value of the land and the value of other properties set forth in the instrument or the value of all properties set forth in such instrument, whichever is higher.

(b) in any other case

The same duty as Bottomry Bond (No. 14) for a sum equal to amount or value of the property settled as set forth in such instrument or fair value of land, whichever is higher.”

Clause 4

1. For sub-section (1) of section 76 of the Kerala Court Fees and Suits Valuation Act, 1959 proposed to be amended by sub-clause (1), the following sub-section shall be substituted, namely:—

“Notwithstanding anything contained in this Act or any other law for the time being in force and subject to section 4A of the Act and sub-rule (1) of rule 397 of the Kerala Motor Vehicle Rules, 1989 it shall be competent for the Government to levy an additional court fee by notification in the Gazette, in respect of original petitions, original applications, appeals or revisions to tribunals, appellate authorities and original suits in Civil Courts other than in Family Court at a rate not exceeding one per cent of the amount involved in the dispute and in other cases at a rate not exceeding one hundred rupees for each original suit, original petition, original application, appeal or revision.

*Explanation:—*The term “amount involved in the dispute” as specified in sub-section (1), where it is capable of valuation, does not include the amount of valuation for the purpose of court fee, in suits for recovery of possession, partition and suits of similar nature and where fixed court fee is specified under this Act.”

2. In sub-clause (2),—

(i) in item (a) the words “subject to a minimum of five hundred rupees” shall be omitted.

(ii) in item (b) the words “subject to a minimum of five hundred rupees” shall be omitted.

Clause 6

1. In the 4th proviso to sub-section (1) of section 3 of the Kerala Motor Vehicles Taxation Act, 1976 proposed to be inserted by item (a) of sub-clause (2),—

(a) after the words “ in respect of ”, the word “new” shall be inserted;

(b) to the 4th proviso as so inserted, following note shall be inserted, namely:—

“NOTE:—This shall be deemed to have come into force on and from 18th day of July, 2016”;

(c) in the proviso substituted by sub-clause (b), the word “also” shall be omitted;

(d) in the proviso inserted by sub-clause (c),—

(i) after the word “payable” the following shall be inserted, namely:—

“from the date of entry till the end of the quarter”;

(ii) the third proviso and Explanation shall be omitted.

2. in the Table, in section 3A proposed to be inserted by sub-clause (3), serial number 5 and the entries against it in columns (2), (3) and (4) shall be omitted.

3. in serial number 7 in the Schedule proposed to be substituted by sub-item (i) of item (b) of sub-clause (8),—

(a) in item (i),—

(i) in sub-item (e), for the entry “3500” in column (3) against entry in column (2) the entry “3000” shall be substituted.

(ii) in sub-item (f) substituted by sub-item (i)(b) for the entry “3500” in column (3) against entry (ii) in column (2) the entry “3000” shall be substituted.

(b) in item (iv), proposed to be inserted by sub-item (iii), for the entry “Rs.1,360” in column (3) against entry in column (2) against item (b), the entry “Rs.1,100” shall be substituted.

4. In serial number 9 proposed to be substituted by sub-clause (c) for the entry “7000” in column (7) against item (e) the entry “700” shall be substituted.

Clause 7

In sub-clause (b) after item (ii) the following shall be inserted, namely:—

“(iii) the second proviso to clause (c) shall be omitted.”

Clause 9

In the Kerala Value Added Tax Act, 2003 proposed to be inserted by clause 9,—

(1) in section 25D, proposed to be inserted by sub-clause (6), the following shall be substituted, namely:—

“(i) for the words and figures “30th June, 2016” the words and figures “from 1st April, 2016 to 31st March, 2017” and shall pay the amount within a period of two years in equal quarterly instalments” shall be substituted.

(2) For sub-section (8), the following shall be substituted, namely:—

(8) in section 42,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that with respect to units of Kerala State Electricity Board Ltd. which obtained separate registration as per sub-section (3) of section 20 shall file trial balance for each such units, along with audited statement of accounts and certificate of the company.”;

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

“(3) Notwithstanding anything to the contrary contained in this Act, if a dealer,—

(i) fails to file audited accounts referred to in sub-section (1), or

(ii) fails to file revised annual return rectifying the mistake or omission, along with the audited statement of accounts and certificate or if the variance in the audited statement of accounts with the returns is not satisfactorily explained in the reconciliation statement prescribed, or

(iii) fails to file the annexures, statements, certificates, declarations, including the statutory declarations to be filed under the Central Sales Tax Act, 1956 which are required to be filed along with the returns to prove the correctness of the concessional rate of tax, exemptions and exports claimed in the returns, or

(iv) fails to declare any sale, purchase or inter-state stock transfer as evidenced from the documents prescribed under section 46 available with the assessing authority in the sales and purchase lists filed along with the returns, the assessment of such dealer for the relevant year for the purpose of section 25 shall be treated as pending and the time limit mentioned thereunder shall not be applicable in such cases.”.

(3) in section 58A proposed to be inserted by sub-clause (13),—

(a) in sub-section (2) clause (a) shall be omitted;

(b) clauses (b) and (c) shall be relettered as clauses (a) and (b);

(c) in sub-section (3), for the words “clause (b) of sub-section (2)” the words “clause (a) of sub-section (2)” shall be substituted.

(4) in the First Schedule, proposed to be inserted by item (a) of sub-clause (16),—

(a) in serial number 2 proposed to be inserted by sub-item (i) of sub-clause (a),—

(i) after item (ix), the following item shall be inserted,—

“(x) in serial number 63, in the entry in column (2) after the words, “used plastic” the words “plastic scrap, waste chips, parings” shall be inserted.”;

(ii) in item (c),—

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

(i) after serial number 5A and the entries against it in columns (2) and (3) the following serial number and entries shall respectively, be inserted, namely:—

“5B. Atta maida, sooji and rava sold in packages with MRP printed on such packages”;

(b) for sub-item (ii) the following shall be substituted, namely:—

(ii) after serial number 8, the entry against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

“8A. Basmati Rice sold in packages with MRP printed on such packages”;

(c) for sub-item (iv), the following shall be substituted, namely:—

for serial number 30A and the entries against it in columns (2) and (3), the following serial number and entries shall respectively be inserted, namely:—

“30A. Cooked Food, other than,—

(i) those served to any airline service company or institution or shipping company for serving in aircraftship or steamer or served in aircraft, ship, steamer and five star hotels; and

(ii) burgers, pizzas, tacos, doughnuts, sandwiches, burger-pattys, pasta and bread fillings sold by restaurants having a brand name or trade mark registered under the Trade Marks Act, 1999;”;

(d) sub-item (vi) of item (c) of sub-clause (16) of clause 9 shall be omitted and sub-items (vii) to (ix) coming thereafter shall be renumbered as (vi) to (viii) respectively;

(e) after sub-item (viii) so renumbered, the following shall be inserted, namely:—

“(d) in List A,—

(i) in serial number 118, in item 15 for entries against it in columns (2) and (3), the following entries shall, respectively, be substituted, namely:—

“recycled Plastic” ”.

New Clause 10

After clause 9, a new clause shall be added as Clause 10, namely:—

“10. *Validation.*—(1) Notwithstanding the lapse of the Kerala Finance Bill, 2016 (Bill No. 396 of Thirteenth Kerala Legislative Assembly) (hereinafter referred to as the said Bill) and the cesser of force of law of the declared provisions of said Bill anything done or any action taken, including levy and collection of tax or duty, during the period from the 1st day of April, 2016 to the 17th day of July, 2016, by virtue of the declared provisions contained in the said bill, under the Kerala Surcharge on Taxes Act, 1957 (11 of 1957) or under the Kerala Stamp Act, 1959 (17 of 1959) or under the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960) or under the Kerala Tax on Luxuries Act, 1976 (32 of 1976) or under the Kerala Agricultural Income Tax Act, 1991 (15 of 1991) or under the Kerala Value Added Tax Act, 2003 (30 of 2004) (hereinafter referred to as the respective Acts) as they stand amended by the said Bill, shall be deemed to be and to have always been for all purposes, validly and effectively done or taken under the provisions of the respective Acts, as if the said amendments had been in force at all material times.

(2) Notwithstanding anything contained in the respective Acts during the period from 1st April, 2016 to 17th day of July, 2016 during which the declared provisions contained in the said Bill was in force, anything done or any action taken by virtue of the said provisions of the said Bill shall be deemed to have been validly done or taken under the respective Acts and no action shall lie against any dealer or authority on the ground of short levy or refund of excess tax or duty and tax or duty collected, if any, by a dealer or an authority, as the case may be, shall be paid over to the Government.

(3) Notwithstanding anything contained in the Kerala Value Added Tax Act, 2003 (30 of 2004) any tax collected or paid at higher rate by virtue of the provisions of the Kerala Finance Bill, 2016 (Bill No. 16 of the XIV Kerala Legislative Assembly) in respect of the period with effect on and from the 18th day of July, 2016 to the date of publication of this Act, shall be deemed to have been validly done and any tax collected or paid by a dealer or authority at such higher rates shall be deemed to have been validly collected or paid and the tax so collected shall be paid over to the Government and shall not be refunded.”

4. All other changes are either verbal or consequential.

5. The minutes of dissent are appended.

Thiruvananthapuram,
27th October, 2016.

DR. T. M. THOMAS ISAAC,
Chairman,
Subject Committee VIII.

വിയോഗനക്കുറിപ്പ് I

2016-ലെ കേരള ധനകാര്യ ബില്ലിൽ 3(3) പട്ടികയിലെ (എഫ്) ക്രമനമ്പർ 31 (i) 48 (i) 51-ൽ(എ) ഖണ്ഡത്തിലെ 3-ാം കോളങ്ങളിൽ പരാമർശിക്കുന്ന കടുംബാംഗങ്ങൾ തമ്മിലുള്ള ഇഷ്യുറാനം, ഭാഗപത്രം, ധനനിശ്ചയം ആധാരങ്ങൾക്ക് പരമാവധി 1,000 രൂപയായിരുന്നത് 100 രൂപയ്ക്ക് 3 രൂപ നിരക്കിൽ വർദ്ധിപ്പിച്ചത് സമൂഹത്തിലെ പാവപ്പെട്ടവർക്കും സാമ്പത്തികമായി പിന്നോക്കം നിൽക്കുന്നവർക്കും താങ്ങാവുന്നതിനപ്പുറവുമാണ്.

4-ാം ഖണ്ഡത്തിലെ കേരള കോർട്ട് ഫീസും വ്യവഹാരസലയും ആക്ടിന്റെ 76-ാം വകുപ്പിൽ (1)-ാം ഉപവകുപ്പിൽ (എ) ഖണ്ഡത്തിലും (ബി) ഖണ്ഡത്തിലും ഭേദഗതികളും, സിവിൽ കോടതിയുടെ എല്ലാ റെജിനൽ കേസുകളുടെയും കോർട്ട് ഫീസ് തുക 25 ശതമാനമായി വർദ്ധിപ്പിച്ചത് അനീതിയാണ്. ഇതുവഴി ഭൂരിതത്തിലാകുന്നത് പാവപ്പെട്ട ജനങ്ങളും പൊതുമേഖലാ ബാങ്കുകളുമാണ്. കോടികളുടെ ഈ വർദ്ധനവ് ബാർ കൗൺസിലോ, അഡ്വക്കേറ്റ് വെൽഫെയർ കമ്മിറ്റിയോ ആവശ്യപ്പെടാതെയാണ്. ഇത് പുനഃപരിശോധിക്കണം.

42(2) II-ാം പട്ടികയിൽ ആർട്ടിക്കിൾ 3-ലെ (iii)-ാം ഇനത്തിന്റെ (എ), (സി), (ബി), (ഡി) വകുപ്പുകളിലെ Income tax, Wealth tax കേസുകളുടെ ഹൈക്കോടതി ഫീസ് വർദ്ധിപ്പിച്ചത് ബഡ്ജറ്റ് പ്രസംഗത്തിൽപ്പോലും പറയാതെയാണ്. ഇത് ഫിനാൻസ് ബില്ലിന്റെ ക്രോഡിബിലിറ്റിയെ ബാധിക്കും. ബഡ്ജറ്റ് പ്രസംഗത്തിൽ വരാത്ത കാര്യം എങ്ങനെ ധനകാര്യ ബില്ലിൽ വന്നുവെന്ന് പരിശോധിക്കണം.

കേരള മോട്ടോർ വാഹന നികുതി ആക്ടിൽ 3 (3) വകുപ്പിനുശേഷം പുതിയതായി ചേർത്ത ഹരിത നികുതി ചുമത്തൽ പട്ടികയിൽ Non-transport വാഹനങ്ങൾക്ക് 15 വർഷവും മറ്റു വാഹനങ്ങൾക്ക് 10 വർഷവുമായി നിജപ്പെടുത്തിയ രീതി മാറ്റി എല്ലാ വാഹനങ്ങൾക്കും 15 വർഷമായി നിജപ്പെടുത്തണം.

9-ാം ഖണ്ഡത്തിലെ 2003-ലെ കേരള മൂല്യ വർദ്ധിത ആക്ടിൽ 25 ഡി വകുപ്പ് ആയി ആരോഗ്യ സുരക്ഷയ്ക്കുവേണ്ടി ഫാറ്റ് നികുതി കൊണ്ടുവന്ന ഗവൺമെന്റ് അതിനേക്കാൾ ആരോഗ്യപ്രശ്നമുണ്ടാക്കുന്ന ബേക്കറി ഉൽപ്പന്നങ്ങൾക്കും മധുര പലഹാരങ്ങൾക്കും 2013-14 വരെയുള്ള കാലയളവിലെ നിർണ്ണയിക്കപ്പെട്ട നികുതി വാങ്ങുന്നതിൽനിന്നു ബേക്കറി Dealer-മാർക്ക് ഏതു മാനദണ്ഡത്തിലാണെങ്കിലും പലിശയും പിഴയും ഒഴിവാക്കുന്നതിന് അനുവാദം നൽകുന്നത് വജനാവിന് നഷ്ടമുണ്ടാക്കുന്നതാണ്.

മേൽപ്പറഞ്ഞ കാരണങ്ങളാൽ ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു.

ഡോ. എൻ. ജയരാജ് (ഒപ്പ്)

വിയോജനക്കുറിപ്പ് II

2016-ലെ കേരള ധനകാര്യ ബില്ലിന് താഴെപ്പറയുന്ന വിയോജനം ഞങ്ങൾ രേഖപ്പെടുത്തുന്നു:

1959-ലെ കേരള കോർട്ട് ഫീസും വ്യവഹാരസലയും ആക്ട് ആദായനികുതി ആക്ട് പ്രകാരമുള്ള അപ്പലേറ്റ് ട്രൈബ്യൂണലിന്റെ ഉത്തരവിൽനിന്നും വെൽത്ത് ടാക്സ് ആക്ടിന് കീഴിലുള്ള അപ്പലേറ്റ് ട്രൈബ്യൂണലിന്റെ ഉത്തരവിൽനിന്നുള്ള അപ്പീൽ ഹൈക്കോടതിക്ക് സമർപ്പിക്കുമ്പോൾ അറ്റസ്വത്ത് രണ്ടുലക്ഷം രൂപയിൽ കവിയുന്നിടത്ത് പരമാവധി 10,000 രൂപയ്ക്ക് വിധേയമായി തിട്ടപ്പെടുത്തിയ വരുമാനത്തിന്റെ ഒരു ശതമാനമായിരുന്നു കോർട്ട് ഫീസ്. അത് ഏറ്റവും കുറഞ്ഞത് 500 രൂപയിൽ എന്നതിന് വിധേയമായി ആവശ്യപ്പെടുന്ന നിവൃത്തിയുടെ 5 ശതമാനം ആയി വർദ്ധിപ്പിച്ചത് നീതീകരിക്കാൻ ആവില്ല. ഈ നിർദ്ദേശത്തോട് വിയോജിക്കുന്നു.

പി. കെ. കഞ്ഞാലിക്കുട്ടി (ഒപ്പ്)
രമേശ് ചെന്നിത്തല (ഒപ്പ്)

വിയോജനക്കുറിപ്പ് III

2016-ലെ കേരള ധനകാര്യ ബില്ലിന് താഴെപ്പറയുന്ന വിയോജനം ഞങ്ങൾ രേഖപ്പെടുത്തുന്നു:

1. കുടുംബാംഗങ്ങൾ തമ്മിലുള്ള ഭാഗപത്രം, ഒഴിമുറി, ദാനം, ധനനിശ്ചയം എന്നീ ആധാരങ്ങളുടെ മുദ്രവില 3% ആയി വർദ്ധിപ്പിച്ചതിനോടും മുദ്രവിലയിലും, രജിസ്ട്രേഷൻ ഫീസിലും ഉണ്ടായിരുന്ന പരിധി എടുത്തുകളഞ്ഞതും നീതീകരിക്കാവുന്ന നെല്ലു നിലവിലുള്ള വ്യവസ്ഥ അതേപടി നിലനിർത്താത്തതിനാൽ അതിൽ വരത്തിയ ഭേദഗതി നിർദ്ദേശത്തോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

2. വിലയാധാരങ്ങൾക്ക് നിലവിൽ 6 ശതമാനം മുദ്രവിലയാണ് ഉള്ളത്. ഭൂമിയുടെ ന്യായവിലയുടെ 50 ശതമാനം കൂടി മാത്രമേ ആധാരങ്ങൾ ഇപ്പോൾ രജിസ്റ്റർ ചെയ്യൂ എന്ന സാഹചര്യത്തിൽ മുദ്രവില 8 ശതമാനമായി വർദ്ധിപ്പിക്കുന്നതിനോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

3. കാർഷികാദായ നികുതി വിദേശകമ്പനികളുടെ കാര്യത്തിൽ 80% ആയിരുന്നത് 30%മായി കുറയ്ക്കുവാനുള്ള നിർദ്ദേശത്തോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

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|-----------------------|---------|
| ടി. എ. അഹമ്മദ് കബീർ | (ഒപ്പ്) |
| തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ | (ഒപ്പ്) |
| വി. ഡി. സതീശൻ | (ഒപ്പ്) |

വിയോജനക്കുറിപ്പ് IV

2016-ലെ കേരള ധനകാര്യ ബില്ലിന് താഴെപ്പറയുന്ന വിയോജനം ഞങ്ങൾ രേഖപ്പെടുത്തുന്നു:

1. ചരക്കു വാഹനങ്ങളുടെ നികുതിയിൽ 10 ശതമാനം വർദ്ധനവ് വരുത്തിയത് നിത്യോപയോഗ സാധനങ്ങളുടെ വിലവർദ്ധനവിന് കാരണമാകുമെന്നതിനാൽ അതിനോട് വിയോജിക്കുന്നു.

2. സ്റ്റേജ് ക്യാരേജുകളുടെ ത്രൈമാസ നികുതി അവയുടെ തറവിസ്തീർണ്ണത്തിന്റെ അടിസ്ഥാനത്തിൽ പരിഷ്കരിക്കുന്ന സാഹചര്യത്തിൽ ടൗൺ/സിറ്റി സർവ്വീസ് നടത്തുന്ന ഓർഡിനറി ബസുകളുടെ ടാക്സ് മൂന്നുമാസത്തിലൊരിക്കൽ 10,000 രൂപയോളം അധികം നൽകേണ്ടിവരുന്ന സാഹചര്യത്തിൽ ഈ അമിത നികുതി പൂർണ്ണമായി ഒഴിവാക്കണമെന്ന നിർദ്ദേശം സ്വീകരിക്കാത്തതിനാൽ അതിനോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

3. 15 വർഷം പഴക്കമുള്ള നോൺ ട്രാൻസ്പോർട്ട് വാഹനങ്ങൾക്കും ഗ്രീൻ ടാക്സ് ചുമത്തിയതിൽ കെ.എസ്.ആർ.റ്റി.സി.യും ഉൾപ്പെടുന്നു. 10 കൊല്ലം കഴിഞ്ഞ ഡീസൽ വാഹനങ്ങൾ പിൻവലിക്കുവാനുള്ള ഗ്രീൻ ട്രൈബ്യൂണൽ വിധിയുടെ ആഘാതത്തിൽനിന്നും കോടതിസ്റ്റേയുടെ ബലത്തിൽ നിൽക്കുന്ന കെ.എസ്.ആർ.റ്റി.സി.ക്ക് ആഘാതമാകുന്ന ഗ്രീൻ ടാക്സിൽനിന്നും പ്രസ്തുത സ്ഥാപനത്തെ ഒഴിവാക്കേണ്ടതാണ്. ഇത് നടപ്പിലാക്കാത്തതിനാൽ വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

4. കേരളത്ത് രജിസ്റ്റർ ചെയ്ത അന്തർസംസ്ഥാന സർവ്വീസ് നടത്തുന്ന ആറിലധികം യാത്രക്കാരെ കൊണ്ടുപോകുന്ന സാധാരണ കോൺട്രാക്ട് ക്യാരേജിന് പാസഞ്ചർ ഒന്നിന് 1,540 രൂപയായിരുന്നത് 2,050 രൂപയായാണ് വർദ്ധിപ്പിച്ചത്. ഇത് സാധാരണക്കാരായ യാത്രക്കാരെ ദോഷകരമായി ബാധിക്കുന്ന ഒരു നിർദ്ദേശമായതിനാൽ അതിനോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

എൻ. ഷാമുദ്ദീൻ (ഒപ്പ്)

THE KERALA FINANCE BILL, 2016

(As reported by the Subject Committee)

[The words underlined/sideline indicate the modifications suggested by the Committee. Omissions are indicated by asterisks]

A

BILL

to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2016-2017.

Preamble.—WHEREAS, it is expedient to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2016-2017;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 2016.

(2) Save as otherwise provided in this Act,—

(i) Clause (b) of sub-section (8) of section 9 shall be deemed to have come into force on the 1st day of April, 2005;

(ii) Clause (b) of sub-section (2) of section 9 shall be deemed to have come into force on the 1st day of April, 2013;

(iii) Sub-clause (i) of clause (a) of sub-section (2) and item (d) of sub-clause (ii) of clause (a) of sub-section (2) of section 9 shall be deemed to have come into force on the 1st day of April, 2015;

(iv) Clause (a) of section 7, section 8, item (a) of sub-clause (i) of clause (a) of sub-section (1) of section 9, item (a) of sub-clause (ii) of clause (a) of sub-section (2) of section 9, sub-section (4) of section 9, sub-clauses (i), (ii), (iii) and (v) of clause (a) of sub-section (16) of section 9 shall be deemed to have come into force on the 1st day of April, 2016;

(v) Sub-clause (i) and sub-clause (ii) of clause (b) of section 7, item (b) and (c) of sub-clause (i) of clause (a) of sub-section (1) of section 9, sub-clause (ii) of clause (a) of sub-section (1) of section 9, clause (b) of sub-section (1) of section 9, items (b) and (c) of sub-clause (ii) of clause (a) of sub-section (2) of section 9, sub-section (3) and sub-sections (5) to (7), clause (a) of sub-section (8)

and sub-section (9) to (15) of section 9, sub-clause(iv), sub-clauses (vi), (vii), (viii) and (ix) of clause (a) of sub-section (16) of section 9 and clause (b) and sub-clauses (i), (ii),(iii),(v),(vi),(vii) and (viii)of clause (c) of sub-section (16) of section 9 shall be deemed to have come into force on the 18th day of July, 2016;

(vi) The remaining provisions of this Act shall come into force at once.

2. *Amendment of Act 11 of 1957.*—In the Kerala Surcharge on Taxes Act, 1957 (11 of 1957), in section 3,—

(a) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1AA) The tax payable under section 6 of the Kerala Value Added Tax Act, 2003 (30 of 2004), shall, with respect to the sale of water, soda, soft drinks, fruit juices and other beverages whether aerated or not, intended for human consumption and sold in containers of plastic but excluding those sold in such containers of and above 20 litres, be increased by a surcharge at the rate of five per cent and the same shall be paid over to the Government and further, the provisions of the Kerala Value Added Tax Act, 2003 (30 of 2004) excluding those related to input tax credit and special rebate shall apply in relation to the said surcharge as they apply in relation to the tax payable under the said Act.”;

(b) in sub-section (2), for the word, brackets, figure and letter “sub-sections (1) and (1A)” the word, brackets, figure and letter “sub-sections (1), (1A) and (1AA)” shall be substituted;

(c) in sub-section (3), for the word, brackets, figure and letter “sub-sections (1) and (1A)” the word, brackets, figure and letter “sub-sections (1), (1A) and (1AA)” shall be substituted;

3. *Amendment of Act 17 of 1959.*—In the Kerala Stamp Act, 1959 (17 of 1959),—

(1) in section 2,—

(a) for clause (d), the following clause shall be substituted, namely:—

(d) “Conveyance” includes,—

(i) a conveyance on sale;

(ii) deed of amalgamation of two or more companies whether in pursuance of an order of the National Company Law Tribunal or not;

(iii) deed of amalgamation in pursuance of the order under section 44A of Banking Regulation Act, 1949; and

(iv) every other instrument, by which property, whether movable or immovable or any interest in any property is transferred inter vivos and which is not otherwise specifically provided in the Schedule;

(b) in clause (1) after item (vii) following items shall be inserted, namely:—

(viii) an agreement relating to installation of ATM/CDM or both of them between banks and the land owner or renewal of such an agreement;

(ix) an agreement relating to installation of Mobile Tower, between a company and the land owner or renewal of such an agreement.

(2) after section 28A, a new section 28B shall be inserted, namely:—

“28B. *Valuation of Flat/Apartment.*—Notwithstanding anything contained in this Act,—

(i) an instrument transferring land including flat/apartment, chargeable with duty, shall fully and truly set forth the value of the flat/apartment therein. For this purpose, the party executing the instrument shall furnish a valuation certificate of the flat/apartment conforming to the criteria approved by the Central Public Works Department for determining value of flat/apartment, issued by a competent authority, to be authorised by the Government, by notification in the Official Gazette, to perform such functions as may be specified by Government in that behalf;

(ii) the registering officer shall, before registering an instrument mentioned in clause (i) shall verify that it is accompanied by the valuation certificate issued by the competent authority and ensure that the value of such flat/apartment set forth in the instrument is not less than the value assessed by the competent authority.”;

(3) in the SCHEDULE,—

(a) in serial number 4, in column (3), for the words “Twenty Five rupees”, the words “Fifty rupees” shall be substituted;

(b) in serial number 5,—

(i) clauses (e) and (f) and the entries against it in column (3), shall be omitted;

(ii) clause (g) shall be re-lettered as clause (e);

(c) in serial number 21, in clause (i), in column (3), for the words "Six rupees" the words "Eight rupees" shall be substituted;

(d) in serial number 22, in clauses (i) and (iv), in column (3), for the words "Six rupees" the words "Eight rupees" shall be substituted;

(da) after serial number 22 and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

| | |
|---|---|
| <p>"22 A. Conveyance as defined in item (ii) and (iii) of section 2 (d) not being a transfer charged or exempted under no.55.</p> | <p>Five rupees for every 100 rupees or part thereof of the fair value of the land and the value of other immovable properties of the transferor company, which is the subject matter of the conveyance; or the aggregate of the market value of shares or other marketable securities, which is the subject matter of the conveyance issued or allotted in exchange or otherwise; or the amount of consideration paid for such amalgamation whichever is higher".</p> |
|---|---|

(e) in serial number 23, for the existing entries in columns (2) and (3), the following entries shall be substituted, namely:—

| | |
|--|---------------------|
| <p>"Copy or extract, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees</p> | <p>Fifty rupees</p> |
|--|---------------------|

Exemptions

Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.";

(f) in serial number 31, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

Gift—instrument not being a settlement or will or transfer,

(a) Where the gift is in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister or grandchildren of a person and if—

(i) the extent of land involved in the property transferred by the instrument is five acres or less

Two rupees for every rupees 100 or part thereof of the fair value of the property and the value of the other properties set forth in the instrument or the value of all the properties set forth in the instrument whichever is higher, subject to a maximum of rupees 1,000.

(ii) the extent of land involved in the property transferred by the instrument is above five acres

Two rupees for every rupees 100 or part thereof of the fair value of the property and the value of the other properties set forth in the instrument or the value of all the properties set forth in the instrument whichever is higher.

(b) in any other case

The same duty as a conveyance (No.21 or 22 as the case may be);

(g) in serial number 39, in column (3), for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(h) in serial number 42, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

Partition-Instrument of [as defined by section 2 (k)]:

(a) Where the partition is among all or some of the members of the family and if—

(i) the extent of land involved in the property divided by the instrument is five acres or less

One rupee for every rupees 100 or part thereof of the fair value of the separated share or shares of property and the value of other properties in such separated share or shares set forth in the instrument, or of the value of all the properties of the separated share or shares as set forth in the instrument, whichever is higher, subject to the maximum of rupees 1,000.

(ii) the extent of land involved in the property divided by the instrument is above five acres.

One rupee for every rupees 100 or part thereof of the fair value of the separated share or shares of property and the value of other properties in such separated share or shares set forth in the instrument, or of the value of all the properties of the separated share or shares as set forth in the instrument, whichever is higher.

(b) in any other case

Six rupees for every rupees 100 or part thereof of the amount of the value or fair value of the separated share or shares of the property whichever is higher.

(i) in serial number 48, for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

Release, that is to say, any instrument (not being such a release as is provided in section 24), whereby a person renounces a claim upon another person or against any specified property—

(a) When such release operates in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister, grandchildren or legal heirs of the deceased children of a person and if—

(i) the extent of land involved in the property in which right relinquished by the instrument is five acres or less

One rupee for every rupees 100 or part thereof of the amount of the fair value of other properties or claims of which the right is relinquished in proportion to right relinquished or value of all the properties or claims of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher, subject to a maximum of Rupees 1,000.

(ii) the extent of land involved in the property in which right relinquished by the instrument is above five acres

One rupee for every rupees 100 or part thereof of the amount of the fair value of other properties or claims of which the right is relinquished in proportion to right relinquished or value of all the properties or claims of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher.

(b) in any other case

The same duty as a conveyance (No.21 or 22 as the case may be) for such amount or value of the property or claim or fair value of the property of which the right is relinquished in proportion to right relinquished or consideration for the release, whichever is higher.

(j) in serial number 51, clause (a), for the entries in columns (2) and (3), the following entries shall be substituted, namely:—

Settlement—

A. instrument of (including a deed of dower),

(a) Where the settlement is in favour of father, mother, grandfather, grandmother, husband, wife, son, daughter, brother, sister or grandchildren of a person and if—

(i) the extent of land involved in the property settled by the instrument is five acres or less

Two rupees for every rupees 100 or part thereof of the amount of the fair value of other properties set forth in the instruments or the value of all properties set forth in such instrument, whichever is higher, subject to a maximum of Rupees 1,000.

(ii) the extent of land involved in the property settled by the instrument is above five acres

Two rupees for every rupees 100 or part thereof of the fair value of the land and the value of other properties set forth in the instrument or the value of all properties set forth in such instrument, whichever is higher.

(b) in any other case

The same duty as Bottomry Bond (No. 14) for a sum equal to amount or value of the property settled as set forth in such instrument or fair value of land, whichever is higher.

4. *Amendment of Act 10 of 1960.*—In the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960),—

(1) in sub-section (1) of section 76,—

Notwithstanding anything contained in this Act or any other law for the time being in force and subject to section 4A of the Act and sub-rule (1) of rule 397 of the Kerala Motor Vehicle Rules, 1989 it shall be competent for the Government to levy an additional court fee by notification in the Gazette, in respect of original petitions, original applications, appeals or revisions to tribunals, appellate authorities and original suits in Civil Courts other than in Family Court at a rate not exceeding one per cent of the amount involved in the dispute and in other cases at a rate not exceeding one hundred rupees for each original suit, original petition, original application, appeal or revision.

Explanation:—The term “amount involved in the dispute” as specified in sub-section (1), where it is capable of valuation, does not include the amount of valuation for the purpose of court fee, in suits for recovery of possession, partition and suits of similar nature and where fixed court fee is specified under this Act.

(2) in the SCHEDULE II, in item (iii) of Article 3,—

(a) in sub-item (C), for the entry “one per cent of the assessed income, subject to a maximum of ten thousand rupees” in column (3) against clause (c) in column (2), the entry “five per cent of the relief sought for, [****] shall be substituted;

(b) in sub-item (D), for the entry “one per cent of the assessed net wealth, subject to a maximum of ten thousand rupees” in column (3) against clause (c) in column (2), the entry “five per cent of the relief sought for, [****] shall be substituted;

5. *Amendment of Act 15 of 1963.*—In the Kerala General Sales Tax Act, 1963 (15 of 1963), in section 23B,—

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

“(1) Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court, Tribunal, or Appellate Authority, an assessee who is in arrears of tax or any other amount due under this Act or the Central Sales Tax Act, 1956 (Central Act 74 of 1956) relating to the period ending on 31st March, 2005, may opt for settling the arrears by availing a complete reduction of the interest on the tax amount and for the amount of penalty and interest thereon:

Provided that nothing in this section shall apply to a public sector undertaking under the control of Government of India.”;

(b) in sub-section (3), for the words and figures “31st August, 2014”, the words and figures “28th February, 2017” shall be substituted;

(c) in sub-section (4), for the words and figures “31st December, 2014”, the words and figures “28th February, 2017” shall be substituted;

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) If a dealer is continuing business even after the commencement of the Kerala Value Added Tax Act, 2003 (30 of 2004) he shall get himself registered thereunder before filing option for payment of arrears under sub-section (1).”.

6. *Amendment of Act 19 of 1976.*— In the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976),—

(1) in section 2, after clause (ab), the following clause shall be inserted, namely:—

“(ac) ‘Floor area’ of a motor vehicle means the area of the vehicle obtained by multiplying the overall length with the overall width of the vehicle and for a double decked bus it shall be twice the floor area.

Explanation:—For the purpose of this clause, ‘Overall length’ of a motor vehicle is the length of the vehicle measured between parallel planes passing the extreme projection points of the vehicle exclusive of a starting handle, any hood when down, any fire-escape fixed to a vehicle, any post office letter box, any ladder used for loading or unloading from the roof of the vehicle or any tail or indicator lamp or number plate fixed to a vehicle, any spare wheel or spare wheel bracket or bumper fixed to a vehicle or any towing hook or other fitment and ‘Overall width’ of a motor vehicle is the width of a motor vehicle measured at right angle to the axis of the motor vehicle between perpendicular planes enclosing the extreme points exclusive of a rear-view mirror or guard rail or a direction indicator.”;

(2) in section 3,—

(a) in sub-section (1), after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that in respect of new Stage Carriages registered or assigned a new registration mark or altered from any category other than Stage Carriage, there shall be levied a tax based on the floor area of the vehicle at the rate specified in item (iv) of serial number 7 of the Schedule.”;

NOTE:—This shall be deemed to have come into force on and from 18th day of July, 2016.;

(b) in sub-section (5), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided [****] that in the case of vehicle covered with permit under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), and registered in any State other than the State of Kerala and entering the State of Kerala and staying therein, the tax payable for such vehicle shall be—

(i) if such stay does not exceed seven days one tenth of the quarterly tax for one round trip ; and

(ii) if such stay exceeds seven days but does not exceed thirty days, one third of the quarterly tax for one round trip.

(c) after the proviso, as so substituted, the following provisos shall be inserted, namely:—

“Provided further that in the case of vehicles covered with permit under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and registered in any State other than in the State of Kerala and entering the State of Kerala and staying therein, the tax shall be payable from the date of entry till the end of the quarter at the rate specified for such vehicles in the Schedule.”.

[****]

(3) after section 3, the following section shall be inserted, namely:—

“3A. *Levy of Green Tax*.—There shall be levied and collected a tax called ‘Green Tax’ in addition to the tax levied under this Act on the motor vehicles specified in column (2) of the table below at the rate specified in column (3) thereof, for the purpose of implementation of various measures to control air pollution, namely:—

TABLE

| Sl. No. | Class and age of vehicle | Rate of Green Tax (in Rupees) | Incidence of levy |
|---------|---|-------------------------------|---|
| (1) | (2) | (3) | (4) |
| 1 | Non Transport Vehicles having four or more wheels and completed 15 years from the date of its registration. | 400 for every five years | At the time of renewal of registration |
| 2 | Light Transport Vehicles having four or more wheels and have completed 10 years from the date of its registration | 200 for every year | At the time of renewal of fitness certificate |
| 3 | Medium Transport Vehicles which have completed 10 years from the date of its registration. | 300 for every year | At the time of renewal of fitness certificate |
| 4 | Heavy Transport Vehicles which have completed 10 years from the date of its registration. | 400 for every year | At the time of renewal of fitness certificate |

[****]

Provided that no additional tax, fine or interest shall be levied for any belated payment of Green Tax:

Provided further that nothing in this section shall apply in case of remitting tax at the reduced or modified rate allowed by the Government under section 22 of the Act:

Provided also that the provisions for payment of tax and issue of licence under sub-section (3) of section 4 shall '*mutatis mutandis*' apply to Green Tax to be levied under section 3A."

(4) in section 4,—

(a) in sub-section (1),—

(i) before the first proviso, the following proviso shall be inserted, namely:—

“Provided that Green Tax levied under section 3A shall be paid in advance in such manner, as may be prescribed, on completion of 10 years in the case of Transport Vehicles and 15 years in the case of Non Transport Vehicles, upon a licence for the purpose, for one year or five years, as the case may be.”;

(ii) in the first proviso, after the word “provided”, the word “further” shall be inserted;

(iii) in the second proviso, for the word “further”, the word “also” shall be substituted;

(b) in sub-section (4), after the words and figure “under section 3”, the words, figure and letter “and section 3A” shall be inserted;

(c) in sub-section (5), after the words and figure “under section 3” the words, figure and letter “and section 3A” shall be inserted;

(5) in section 5, for sub-section (1) and sub-section (2), the following sub-sections shall be substituted, namely:—

“(1) In the case of a motor vehicle which is not intended to be used or kept for use during any calendar month of a quarter or two successive calendar months of a quarter, or the whole of a quarter or a year beginning with the 1st day of a quarter, as the case may be, the Registered Owner or the person having possession or control of such vehicle shall give previous intimation in such form, manner and fee, as may be prescribed, in this behalf, to the Regional Transport Officer or the Joint Regional Transport Officer concerned under whose jurisdiction the vehicle is registered or endorsement of tax has been obtained, that such vehicle will not be used for such period and thereupon, the Registered Owner or the person having possession or control of the vehicle shall not be deemed to have used or kept for use of the vehicle for such period, and no tax shall be payable in respect of such vehicle for such period.

(2) Notwithstanding anything contained in sub-section(1), twice the amount of tax shall be levied from the Registered Owner or the person having possession or control of the vehicle if on verification it is found that the vehicle has been used during any such period of non-use without remitting tax.”;

(6) in section 6, after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that no Green Tax paid shall be refunded under this section.”;

(7) in section 28, in clause (d) of sub-section (2), after the words “claimed” the following words and figure shall be inserted, namely :—

“and the form and fee payable for filing such exemption of tax under section 5.”;

(8) in the SCHEDULE,—

(a) for serial number 3 and 4 and the entries thereunder in columns (1), (2) and (3), the following serial numbers and entries shall, respectively, be substituted, namely:—

| “3 | Goods Carriages | | | | | | |
|-----|--|----------|-------------------|----------|-------------------------|--------|--|
| (i) | Goods Carriages other than those fitted with tipping mechanism | | | | | | |
| (a) | Motor Cycles trucks not exceeding | | | 300 Kg. | in gross vehicle weight | 150.00 | |
| (b) | Vehicles not exceeding | | | 1000 Kg. | do. | 250.00 | |
| (c) | Vehicles exceeding | 1000 Kg. | | 1500 Kg. | do. | 470.00 | |
| (d) | do. | 1500 Kg. | but not exceeding | 2000 kg. | do. | 610.00 | |
| (e) | do. | 2000 Kg. | do. | 3000 Kg. | do. | 780.00 | |

| | | | | | | |
|-----|-----|-----------|-----|-----------|-----|---|
| (f) | do. | 3000 Kg. | do. | 4000 Kg. | do. | 930.00 |
| (g) | do. | 4000 Kg. | do. | 5500 Kg. | do. | 1340.00 |
| (h) | do. | 5500 Kg. | do. | 7000 Kg. | do. | 1580.00 |
| (i) | do. | 7000 Kg. | do. | 9000 Kg. | do. | 1940.00 |
| (j) | do. | 9000 Kg. | do. | 9500 Kg. | do. | 2060.00 |
| (k) | do. | 9500 Kg. | do. | 10500 Kg. | do. | 2300.00 |
| (l) | do. | 10500 Kg. | do. | 11000 Kg. | do. | 2550.00 |
| (m) | do. | 11000 Kg. | do. | 12000 Kg. | do. | 2790.00 |
| (n) | do. | 12000 Kg. | do. | 13000 Kg. | do. | 3030.00 |
| (o) | do. | 13000 Kg. | do. | 14000 Kg. | do. | 3270.00 |
| (p) | do. | 14000 Kg. | do. | 15000 Kg. | do. | 3390.00 |
| (q) | do. | 15000 Kg. | do. | 20000 Kg. | do. | 3390.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg. |
| (r) | do. | 20000 Kg. | | | do. | 5990.00+ Rs.250 for every 250 Kg. or part thereof in excess of 20000 Kg. |

| (ii) | Goods Carriages fitted with tipping mechanism (Tipper Goods Carriages) | | | | | |
|------|---|-----------|-------------------|-----------|-------------------------|---------|
| (a) | Motor Cycles trucks not exceeding | | | 300 Kg. | in gross vehicle weight | 190.00 |
| (b) | Vehicles not exceeding | | | 1000 Kg. | do. | 310.00 |
| (c) | Vehicles exceeding | 1000 Kg. | | 1500 Kg. | do. | 590.00 |
| (d) | do. | 1500 Kg. | but not exceeding | 2000 Kg. | do. | 760.00 |
| (e) | do. | 2000 Kg. | do. | 3000 Kg. | do. | 970.00 |
| (f) | do. | 3000 Kg. | do. | 4000 Kg. | do. | 1160.00 |
| (g) | do. | 4000 Kg. | do. | 5500 Kg. | do. | 1670.00 |
| (h) | do. | 5500 Kg. | do. | 7000 Kg. | do. | 1970.00 |
| (i) | do. | 7000 Kg. | do. | 9000 Kg. | do. | 2420.00 |
| (j) | do. | 9000 Kg. | do. | 9500 Kg. | do. | 2590.00 |
| (k) | do. | 9500 Kg. | do. | 10500 Kg. | do. | 2880.00 |
| (l) | do. | 10500 Kg. | do. | 11000 Kg. | do. | 3190.00 |
| (m) | do. | 11000 Kg. | do. | 12000 Kg. | do. | 3480.00 |
| (n) | do. | 12000 Kg. | do. | 13000 Kg. | do. | 3790.00 |
| (o) | do. | 13000 Kg. | do. | 14000 Kg. | do. | 4090.00 |
| (p) | do. | 14000 Kg. | do. | 15000 Kg. | do. | 4240.00 |

| | | | | | | |
|-----|---|-----------|----------------------|-----------|-------------------------------|--|
| (q) | do. | 15000 Kg. | | | do. | 4240.00+ Rs.160 for every 250 Kg. or part thereof in excess of 15000 Kg. |
| 4 | Trailers used for carrying goods | | | | | |
| (a) | For each Trailer not exceeding | | | 1000 Kg. | in gross vehicle weight | 180.00 |
| (b) | For each Trailer exceeding | 1000 Kg. | but not exceeding | 1500 Kg. | in laden weight. | 360.00 |
| (c) | do. | 1500 Kg. | do. | 2000 Kg. | do. | 480.00 |
| (d) | do. | 2000 Kg. | do. | 3000 Kg. | do. | 650.00 |
| (e) | do. | 3000 Kg. | do. | 4000 Kg. | do. | 870.00 |
| (f) | do. | 4000 Kg. | do. | 5500 Kg. | do. | 1100.00 |
| (g) | do. | 5500 Kg. | do. | 7000 Kg. | do. | 1460.00 |
| (h) | do. | 7000 Kg. | do. | 9000 Kg. | do. | 1700.00 |
| (i) | do. | 9000 Kg. | do. | 9500 Kg. | do. | 1820.00 |
| (j) | do. | 9500 Kg. | do. | 10500 Kg. | do. | 1940.00 |
| (k) | do. | 10500 Kg. | do. | 12000 Kg. | do. | 2180.00 |
| (l) | do. | 12000 Kg. | do. | 13000 Kg. | do. | 2300.00 |
| (m) | do. | 13000 Kg. | do. | 14000 Kg. | do. | 2420.00 |
| (n) | do. | 14000 Kg. | do. | 15000 Kg. | do. | 2550.00 |

| | | | | | | |
|-----|-----|-----------|-----|-----------|-----|--|
| (o) | do. | 15000 Kg. | do. | 20000 Kg. | do. | 2550.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg. |
| (p) | do. | 20000 Kg. | | | do. | 5150.00+ Rs. 250 for every 250 Kg. or part thereof in excess of 20000 Kg.” |

(b) in serial number 7,—

(i) in item (i),—

(a) for sub-item (e) and the entries thereunder in columns (1), (2) and (3), the following sub-item and entries shall, respectively, be substituted, namely:—

| | | |
|------|---|----------------|
| “(c) | Vehicles registered in Kerala and operating Interstate after obtaining permit under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) | |
| | (i) Ordinary Contract Carriage permitted to carry more than 6 passengers—for every passenger. | 2250.00 |
| | (ii) Contract Carriage with push back seats and permitted to carry more than 6 passengers—for every passenger. | <u>3000.00</u> |
| | (iii) Contract Carriage with sleeper berths and permitted to carry more than 6 passengers—for every passenger. | 4000.00.” |

(b) for sub-item (f) and the entries thereunder in columns (1), (2) and (3), the following sub-item and entries shall, respectively, be substituted, namely:—

| | | |
|------|---|----------------|
| “(f) | Vehicles registered in Other States and entering Kerala after obtaining permit under sub-sections (8) and (9) of Section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) | |
| | (i) Ordinary Contract Carriage permitted to carry more than 6 passengers—for every passenger. | 2250.00 |
| | (ii) Contract Carriages with push back seats and permitted to carry more than 6 passengers—for every passenger. | <u>3000.00</u> |
| | (iii) Contract Carriages with sleeper berths and permitted to carry more than 6 passengers—for every passenger | 4000.00.” |

(ii) in item (iii) for the heading, the following heading shall be substituted, namely:—

“(iii) vehicles to ply solely as Stage Carriages based on passenger capacity”,

(iii) after item (iii), and the entry against it, the following item and entries shall, respectively, be inserted in columns (1), (2) and (3), namely:—

“(iv) Vehicles to ply solely as stage carriages—based on floor area

| | | |
|-----|---|---|
| (a) | Ordinary service other than city/town services. | Rs.1,300 per square metre or part thereof |
| (b) | Ordinary city/town services. | Rs. <u>1,100</u> per square metre or part thereof |
| (c) | Fast passenger and other higher class services. | Rs.1,400 per square metre or part thereof. ” |

(c) for serial No. 9 and the entries thereunder in columns (1), (2) and (3), the following serial number and entries shall, respectively, be substituted, namely:—

| | | | | | | |
|-----|---|-----------|-------------------|-----------|-------------------------|------------|
| 9. | Double-axle trailers drawn by the vehicles in clause (8) above and articulated vehicles with or without additional or alternative trailers, for each trailer or articulated vehicle, subject to the proviso of this schedule— | | | | | |
| (a) | not exceeding | 1000 Kg. | | | in gross vehicle weight | 180.00 |
| (b) | exceeding | 1000 Kg. | but not exceeding | 1500 Kg. | „ | 290.00 |
| (c) | „ | 1500 Kg. | „ | 2000 Kg. | „ | 390 |
| (d) | „ | 2000 Kg. | „ | 3000 Kg. | „ | 510 |
| (e) | „ | 3000 Kg. | „ | 4000 Kg. | „ | <u>700</u> |
| (f) | „ | 4000 Kg. | „ | 5500 Kg. | „ | 890 |
| (g) | „ | 5500 Kg. | „ | 7000 Kg. | „ | 1090 |
| (h) | „ | 7000 Kg. | „ | 9000 Kg. | „ | 1340 |
| (i) | „ | 9000 Kg. | „ | 9500 Kg. | „ | 1460 |
| (j) | „ | 9500 Kg. | „ | 10500 Kg. | „ | 1580 |
| (k) | „ | 10500 Kg. | „ | 12000 Kg. | „ | 1700 |
| (l) | „ | 12000 Kg. | „ | 13000 Kg. | „ | 1820 |
| (m) | „ | 13000 Kg. | „ | 14000 Kg. | „ | 1940 |
| (n) | „ | 14000 Kg. | „ | 15000 Kg. | „ | 2060 |

| | | | | | | |
|-----|-----------|-----------|--|--|----------------------------------|---|
| (o) | Exceeding | 15000 Kg. | | | in gross vehicle weight | 2060.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg. |
|-----|-----------|-----------|--|--|----------------------------------|---|

(d) for serial number 12 and the entries thereunder in columns (1), (2) and (3), the following serial number and entries shall, respectively, be substituted, namely:—

| | | |
|-----|---|-----------|
| "12 | Specially designed vehicles such as Mobile Restaurant, Mobile Canteen, Mobile Theatre, Mobile Workshop, Mobile Book Stall, Mobile ATM, Mobile Shop, Mobile Exhibition Van, Mobile Office Vehicles, Mobile Digitization Unit and Cash Van for every square meter or part thereof of the floor area | Rs. 300 " |
|-----|---|-----------|

(e) after serial number 14 and the entries against it in columns (1), (2) and (3) the following serial number and entries shall be inserted, namely:—

| | | |
|-----|--|----------|
| "15 | Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule.— for every square metre or part thereof of the floor area | Rs. 150" |
|-----|--|----------|

(f) in Annexure II, for serial number I and the entries thereunder in columns (1), (2) and (3), the following serial numbers and entries shall, respectively, be substituted, namely:—

| | | |
|-------|--|---------|
| "I | Goods Carriages having GVW up to 3000 Kg. | |
| (i) | Motor Cycle trucks not exceeding 300 Kg. | 3000 |
| (ii) | Goods Carriages with GVW not exceeding 1000 Kg. | 5000 |
| (iii) | Goods Carriages with GVW exceeding 1000 Kg. but not exceeding 1500 Kg. | 9400 |
| (iv) | Goods Carriages with GVW exceeding 1500 Kg. but not exceeding 2000 Kg. | 12200 |
| (v) | Goods Carriages with GVW exceeding 2000 Kg. but not exceeding 3000 Kg. | 15600." |

7. *Amendment of Act 32 of 1976.*—In the Kerala Tax on Luxuries Act, 1976 (32 of 1976), in section 4,—

(a) in sub-section (1), after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that no tax under this Act shall be levied on hostels run directly by the educational institutions and working woman’s hostels run by religious or charitable institutions, registered under The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955.”;

(b) in sub-section (2),—

(i) in clause (a), for sub-clause (i) and (ii), the following sub-clauses shall be substituted, namely:—

“(i) at the rate of six per cent per room for hotels, in respect of rooms where the gross charges of accommodation for residence and other amenities and services provided is above rupees four hundred and up to one thousand rupees per day;

(ii) at the rate of ten per cent for hotels in respect of rooms where the gross charges of accommodation for residence and other amenities and services provided is above rupees One thousand per day.”;

(ii) the third proviso shall be omitted;

(iii) the second proviso to clause (c) shall be omitted.

(c) after section 10AA, the following section shall be inserted, namely:—

“10AB. *Liability of Directors of a Private company.*—Where any tax or other amount recoverable under this Act from any proprietor being a private company, whether existing or wound up or under liquidation, cannot be recovered for any reason whatsoever, every person who was a director of such company at any time during the period for which the tax or other amount is due under this Act shall be jointly and severally liable for the payment of such tax or other amount unless he proves that the non-recovery cannot be attributed to any negligence, misfeasance or breach of duty on his part in relation to the affairs of the company.”.

8. *Amendment of Act 15 of 1991.*—In the Kerala Agricultural Income Tax Act, 1991 (15 of 1991), in the SCHEDULE,—

(a) in item (3), the words ‘domestic company or’ shall be omitted;

(b) for item (4), the following item shall be substituted, namely:—

“(4) In the case of domestic company or foreign company thirty per cent of the total agricultural income.”;

9. *Amendment of Act 30 of 2004.*—In the Kerala Value Added Tax Act, 2003 (30 of 2004),—

(1) in section 6,—

(a) in sub-section (1),—

(i) in clause (a), in the table,—

(a) in serial number (3), for the entry in column (2), the following entry shall be substituted, namely:—

“all types of plastic carry bags including non-woven poly propylene bags.”;

(b) in serial number (3A), in the entry against it in column (2), after the words “disposable plates”, the words “tumblers” shall be inserted;

(c) after serial number (7) and the entries against it in columns (2), (3) and (4), the following serial number and entries shall, respectively, be inserted, namely:—

| | | |
|-----|--|------------|
| “8 | Embroidery or zari articles, that is to say, imi, zari, kasab saima dabka, chumki, gota sitara, naqsi, kora, glass bead, badia | 2% |
| (1) | Embroidery without visible ground | 5810.10.00 |
| (2) | Other embroidery of cotton | 5810.91.00 |
| (3) | Embroidery of man-made fibres | |
| | (a) Embroidered badges, motifs and the like | 5810.92.00 |
| | (b) Other embroidered articles | 5810.92.00 |
| (4) | Embroidery of other textile materials | 5810.99.00 |
| (5) | Zari articles | **** |

| | | |
|--|------|----|
| 9. Handloom cloth, Handloom bed sheet and Pillow cover | **** | 2% |
| 10. Silk fabrics and sarees made of natural silk | 5007 | 2% |
| 11. Textiles fabric | | 2% |
| (1) Wool | | |
| (a) Woven fabrics of carded wool or of carded fine animal hair | 5111 | |
| (b) Woven fabrics of combed wool or of combed fine animal hair | 5112 | |
| (c) Woven fabrics of coarse animal hair or of horse hair | 5113 | |
| (2) Cotton | | |
| (a) Woven fabrics of cotton containing 85% or more by weight of cotton weighing not more than 200 gm./m ² | 5208 | |
| (b) Woven fabrics of cotton containing 85% or more by weight of cotton weighing more than 200 gm./m ² | 5209 | |
| (c) Woven fabrics of cotton containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 gm./m ² | 5210 | |
| (d) Woven fabrics of cotton containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 gm./m ² | 5211 | |
| (e) Other woven fabrics of cotton | 5212 | |
| (3) Woven fabrics of Flax | 5309 | |
| (4) Woven fabrics of jute or of other textile base fibres | 5310 | |

- (5) Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn 5311
- (6) Man-made filaments
- (a) Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of HSN heading 5404 5407
- (b) Woven fabrics of artificial filament yarn, including woven fabrics obtained from materials of HSN heading 5405 5408
- (7) Man-made Staple Fibres
- (a) Woven fabrics of synthetic staple fibres, containing 85% or more by weight of synthetic staple fibres 5512
- (b) Woven fabrics of synthetic staple fibres, containing less than 85% by weight of such fibres, mixed mainly or solely with cotton, of a weight not exceeding 170 m² 5513
- (c) Woven fabrics of synthetic staple fibres, containing less than 85% by weight of such fibres, mixed mainly or solely with cotton, of a weight exceeding 170 m² 5514
- (d) Other woven fabrics of synthetic staple fibres 5515
- (e) Woven fabrics of artificial staple fibres 5516
- (8) Special Woven fabrics; Tufted textile fabrics; Lace, Tapestries, Trimmings; Embroidery
- (a) Woven pile fabrics and chenille fabrics other than HSN heading nos. 5802 or 5806 5801

- (b) Terry toweling and similar woven terry fabrics other than narrow fabrics of HSN heading nos. 5806; tufted textile fabrics other than HSN heading no. 5703 5802
- (c) Gauze other than narrow fabrics of HSN heading no. 5806 5803
- (d) Tullies and other net fabrics not including woven, knitted or crocheted fabrics, lace in the piece, in strips or in motifs, other than fabrics of HSN heading nos. 6002 to 6006 5804
- (e) Hand woven tapestries of the type gobelins, flanders, aubusson, beavals and the like and needle worked tapestries (for example petit point, cross stitch), whether or not made-up 5805
- (f) Narrow woven fabrics other than goods HSN heading no. 5807; narrow fabrics consisting warp without weft assembled by means of an adhesive (bolducs) 5806
- (g) Woven fabrics of metal thread and woven fabrics of metalized yarn of HSN heading no. 5605 of a kind used in apparel as furnishing fabrics of a similar purpose, not elsewhere specified or included 5809
- (9) Textiles fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of the books or the like; Tracing cloth; Prepared painting canvas; Buckram and similar stiffened textile fabrics of a kind used for hat foundations 5901

- | | |
|--|------|
| (10) Tyre cord fabric of high tenacity yarn or other polymers, polyesters or viscose rayon | 5902 |
| (11) Textile wall coverings | 5905 |
| (12) Rubberised textile fabrics, other than tyre cord fabrics of high tenacity yarn or nylon or other polyamides polyesters or viscose rayon | 5906 |
| (13) Textile fabrics, otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like | 5907 |
| (14) Knitted or chrocheted fabrics | |
| (a) Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or chrocheted | 6001 |
| (b) Knitted or chrocheted fabrics of a width not exceeding 30 cm., containing by weight 5% or more of elasto meric yarn of rubber thread, other than those of HSN heading no. 6001 | 6002 |
| (c) Knitted or chrocheted fabrics of a width not exceeding 30 cm., other than those of HSN heading nos. 6001 or 6002 | 6003 |
| (d) Knitted or chrocheted fabrics of a width exceeding 30 cm., containing by weight 5% or more of elasto meric yarn of rubber thread, other than those of HSN heading no. 6001 | 6004 |
| (e) Wrap knit fabrics (including those made on gallon knitting machines), other than those of HSN heading nos. 6001 to 6004 | 6005 |
| (f) Other knitted or chrocheted fabrics | 6006 |

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

“Provided further that cooked food manufactured by the prisoners and sold by the Kerala Prison and Correctional Services Department shall be exempted from tax with effect from 1st day of April, 2011:

Provided further that in respect of cinematographic films, turnover relating to sale of ‘Copyright’ under clause (a) and transfer of right to use under clause (c) shall be exempted:

Provided also that the rate of tax on the sale of disposable plates and cups made of styrofoam for the financial years 2013-14 and 2014-15 shall be at five per cent.”;

(b) in sub-section (7), in clause (b), the following explanation shall be inserted, namely:—

“*Explanation.*—Building materials referred to in this clause shall include basic building materials and other goods essentially required to make the building effectively functional and capable of being used by the unit, depending on the activity carried out by the said unit.”;

(2) in section 8,—

(a) in clause (a),—

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

“any works contractor who imports any goods into the State from other States or Country for incorporation in the works contracts and or who is registered under the provisions of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), may at his option, instead of paying tax in accordance with the provisions of section 6, pay tax at the rate of seven per cent of the whole contract amount for all works contracts undertaken by him except works contracts of interior decoration and furnishing contracts, electrical, refrigeration or air conditioning contracts or contracts relating to supply and installation of plant, machinery, rolling shutters, cranes, hoists, elevators or lifts, escalators, generators, generating sets, transformers, weighing machines, air conditioners and air coolers, deep freezers, laying of all kinds of tiles other than brick tiles, slabs and stones including marble:

Provided that the compounded tax payable under this sub-clause by such works contractor in respect of works contract awarded by Government of Kerala, Kerala Water Authority or Local Authorities shall be five per cent of the whole contract amount.”;

(ii) in sub-clause (ii),—

(a) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that a contractor who intends to pay tax at compounded rate in accordance with this clause in respect of all works awarded by Government of Kerala, Kerala Water Authority or Local Authorities undertaken by him during an year, may, instead of filing separate application for compounding for such individual works, file a single option for payment of tax under this clause for such works before 30th day of April of the year to which the option relates, subject to eligibility.”;

(b) in the third proviso, the following words shall be added at the end, namely:—

“and with respect to works contract awarded by Government of Kerala, Kerala Water Authority or Local Authorities up to 31st March, 2016.”;

(c) after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that subject to eligibility, a work once compounded under this clause, shall remain compounded till the completion of such work.”;

(d) in Explanation 3, for the word “this sub-clause”, the words and figure “sub-clause (i)” shall be substituted;

(b) in clause (f), in sub-section (v), for the words “under sub-clause; (ii)”, the words “under sub-clause (iv)” shall be substituted;

(3) in section 9, the existing proviso shall be numbered as sub-section (1) and after the sub-section as so numbered, the following sub-section shall be inserted, namely:—

“(2) The burden of proving the denial of any transaction or the correctness in the returns, applications, payments, declarations, delivery notes and other records furnished by the dealer under this Act, through the website or portal of the Commercial Taxes Department, by using the user identification name and password allotted to him by the assessing authority or the Commissioner, shall be on such dealer.”;

(4) in section 11, in the proviso to sub-section (5), the words, letters and figures,

“for the period up to 30th September, 2010”, shall be omitted;

(5) in section 20A, in sub-section (2), for the words “the Commissioner”, the words “the District Deputy Commissioner” shall be substituted;

(6) after Section 25C, the following sections shall be inserted, namely:—

“25D. *Special provision for bakery dealers to settle arrears.*—Notwithstanding anything contained in this Act, a dealer in bakery products, sweets, confectionary and other food products sold under brand name registered under the Trade Marks Act, 1999, who had not remitted the tax as per the prescribed rate, for the period up to the financial year 2013-14, and have opted for remitting the differential amount of tax up to from 1st April, 2016 to 31st March, 2017 and shall pay the amount within a period of two years in equal quarterly instalments and those who opt for payment of tax under this Scheme shall be exempted from payment of interest and penalty due thereon subject to such conditions and restrictions, as may be prescribed.

25E. *Special provision for assessment and payment of tax for presumptive dealers.*—(1) Notwithstanding anything contained in this Act or rules made thereunder or in any judgment, decree or order of any court, tribunal or appellate or revisional authority or any assessment orders or penalty orders issued under this Act, the dealers who have opted to pay tax under

sub-section (5) of section 6 and with regard to whom unaccounted purchases have been detected by the assessing authority for the period up to 31st March, 2016, may opt to settle their cases by paying tax at the scheduled rates on such unaccounted purchases with an addition of 5% gross profit and on payment of such tax, all penalties and interest including penalty under sub-section (7) of section 22, shall stand waived and it shall be subject to the following conditions, namely:—

(a) Any dealer who opt for this scheme shall obtain Tax payers Identification Number (TIN) under this Act with effect from 1st April, 2016;

(b) All pending cases in any Forum shall be withdrawn and evidence to that effect shall be produced before the assessing authority;

(c) Such option and settlement shall cover all the financial years, in which unaccounted purchases have been detected; and

(d) such further condition, if any, as may be specified:

Provided that dealers who have opted to pay tax under sub-section (5) of section 6 and with regard to whom unaccounted purchases have not been detected by the assessing authority for the period up to 31st March, 2016, may also voluntarily declare their unaccounted purchases, and opt for the scheme mentioned in sub-section (1), and on doing so, no further action under this Act shall be initiated against such dealers with regard to the same.

(2) For settling the cases under sub-section (1), the assesee shall file option before the assessing authority within three months from the date of declaring the scheme :

Provided that in cases where no notice or orders has been issued by the assessing authority, regarding the unaccounted purchases detected by such authority mentioned in sub-section (1), the assessing authority shall intimate the dealer regarding the cases pending against him, to enable him to file option under the scheme.

(3) On receipt of the option, the assessing authority shall intimate by order, the details of the evidence before him and the amount of tax to be paid, calculated in accordance with sub-section (1).

(4) Thirty per cent of the amount shall be paid within fourteen days from the receipt of the order under sub-section (2) and the balance in twelve equal monthly instalments or in lump sum at his option, and the last date for fulfilment of payment under this section shall be the date of payment of the twelfth instalment.

(5) Without prejudice to the provisions of this section or notice made thereunder, the Commissioner may issue such instructions to the assessing authorities and the dealers for the effective implementation of the scheme.

(6) No further action under any of the provisions of this Act shall be invoked by the assessing authority with regard to the unaccounted purchases settled by the dealer under this section or other irregularities in accounts, which resulted from such unaccounted purchases, and no appeal or revision shall lie against the amount so settled under this section.”;

(7) in section 40, after the second proviso, the following proviso shall be inserted, namely:—

Provided also that every dealer whose total turnover for the previous year had exceeded rupees five crores shall get the bill or invoice or cash memorandum in respect of every sale, uploaded on a real time basis through the portal of the dealer in the Kerala Value Added Tax Information System in the manner and subject to such restrictions and conditions as may be prescribed;

(8) in section 42,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

Provided also that with respect to units of Kerala State Electricity Board Ltd. which obtained separate registration as per sub-section (3) of section 20 shall file trial balance for each such units, along with audited statement of accounts and certificate of the company;

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

(3) Notwithstanding anything to the contrary contained in this Act, if a dealer,

(i) fails to file audited accounts referred to in sub-section (1), or

(ii) fails to file revised annual return rectifying the mistake or omission, along with the audited statement of accounts and certificate or if the variance in the audited statement of accounts with the returns is not satisfactorily explained in the reconciliation statement prescribed, or

(iii) fails to file the annexures, statements, certificates, declarations, including the statutory declarations to be filed under the Central Sales Tax Act, 1956 which are required to be filed along with the returns to prove the correctness of the concessional rate of tax, exemptions and exports claimed in the returns, or

(iv) fails to declare any sale, purchase or interstate stock transfer as evidenced from the documents prescribed under section 46 available with the assessing authority in the sales and purchase lists filed along with the returns, the assessment of such dealer for the relevant year for the purpose of section 25 shall be treated as pending and the time limit mentioned thereunder shall not be applicable in such cases.

(9) in section 46, in sub-section (3), after clause (e), the following clause shall be inserted, namely:—

“(f) when goods are transported out of the State through coastal cargo, air or railways, such dealer or person or his agents by whatever name called, shall furnish a declaration to such authority in such manner as may be prescribed.”;

(10) in section 47, in sub-section (11), after the words, figure and symbol “sub-section (9) shall be” the words “confiscated and” shall be inserted;

(11) in section 48, in sub-section (1), for the words “one hundred rupees”, the words “two hundred and fifty rupees” shall be substituted;

(12) in section 55, in sub-section (4), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that where the appellant remits 20% of the disputed amount of tax along with collected tax, if any, further proceedings against recovery shall stand stayed till disposal of the appeal.”;

(13) after section 58, the following section shall be inserted, namely:—

“58A. Powers of revision of the Commissioner suo-motu on the orders passed by Deputy Commissioner (Appeals) under section 55 of the Act.—(1) Notwithstanding anything contained in sub-section (4) of section 3, the Commissioner or any Joint Commissioner authorized by him in this behalf, may suo-motu call for and examine any order passed by Deputy Commissioner (Appeals) or Assistant Commissioner (Appeals) under section 55, along with records thereof, which in his opinion is prejudicial to the interest of revenue and may make such enquiry or cause such enquiry to be made and subject to the provisions of this Act may pass such orders as he deems fit.

(2) The Commissioner or Joint Commissioner shall not pass any order under sub-section (1), if,—

[****]

(a) the order has been made on subject matter of an appeal before the Appellate Tribunal or of a revision before the High Court; or

(b) more than one year have expired from the year in which the order referred to therein has been passed.

(3) Notwithstanding anything contained in sub-section (2), the Commissioner may pass an order under sub-section (1) on any point which has not been decided in an appeal or revision referred to in clause (a) of sub-section (2), before the expiry of a period of one year from the date of the order in such appeal or revision.

(4) No order under this section adversely affecting a person shall be passed unless that person has been given a reasonable opportunity of being heard.”;

(14) in section 62, in sub-section (1), for the word and figure “section 58”, the words, figure, letter and symbol “section 58, section 58A” shall be substituted.”;

(15) in section 88, in item (e), the following shall be added, namely:—

“by sending it through the portal of the registered dealer in the Kerala Value Added Tax Information System (KVATIS) along with an alert through short message service (SMS) in the phone number declared by the dealer with the department.”;

(16) in the SCHEDULES,—

(a) in the First Schedule,—

(i) in serial number 2, after sub-item (9), the following items shall be inserted, namely:—

“(10) Braille Printer ****

(11) Assistive devices for visually challenged persons like white cane and electronic cane. ****”;

(ii) in serial number 9A,—

(a) in the entry against it in column (2), the following words shall be added at the end, namely:—

“with or without MS-rod and MS-flat”;

(b) the following Note shall be inserted, namely:—

“Note: This entry shall be deemed to have come into force on and from the 1st day of April, 2005.”;

(iii) after serial number 11A and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted namely:—

“11B. Cleaning liquids for removing pesticides residue from vegetables manufactured by units using the technology developed by Kerala Agricultural University or other recognized institution.”;

(iv) serial number 12B and the entries against it in columns (2) and (3) shall be omitted;

(v) for serial number 16 and the entries against it in columns (2) and (3), the following serial number and entries shall respectively, be substituted, namely:—

“16. Earthen pots made from earth clay including flowerpots, receptacles, statues and earthen oven. ****”;

(vi) in serial number 18A,—

(a) in the heading, the following words shall be inserted at the end, namely:—

“other than those specifically mentioned in the Third Schedule”;

(b) the entries in column (3) against sub-item(1) shall be omitted;

(vii) after serial number 31 and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

“31A. Municipal Plastic Waste. ****”;

(viii) in serial number 42A,—

(a) in the heading in column (2), the following words shall be added at the end, namely:—

“other than those specifically mentioned in Third Schedule.”;

(b) the entry in column (3) of sub-item (1), shall be omitted.

(ix) serial number 42B in column (1) and the entries against it in columns (2) and (3) shall be omitted;

(x) in serial number 63, in the entry in column (2) after the words, “used plastic” the words “plastic scrap, waste chips, parings” shall be inserted;

(b) in the Second Schedule,—

(i) serial number 2D and the entries against it in columns (2) and (3) shall be omitted;

(ii) serial numbers 7A, 8, 9 and 10 and the entries against it in columns (2) and (3) shall be omitted;

(c) in the Third Schedule,—

(i) after serial number 5A and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

5B. Atta, maida, sooji and rava sold in packages with MRP printed on such packages

(ii) after serial number 8, the entry against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

8A. Basmati Rice sold in packages with MRP printed on such packages.

(iii) after serial number 24 and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

“24A Coconut Oil ****”;

(iv) for serial number 30A and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

30A. Cooked Food, other than,—

(i) those served to any airline service company or institution or shipping company for serving in aircraftship or steamer or served in aircraft, ship, steamer and five star hotels and ****

(ii) burgers, pizzas, tacos, doughnuts, sandwiches, burger-pattys, pasta, bread-fillings sold by restaurants having a brand name or trade mark registered under the Trade Marks Act, 1999; ****

(v) in serial number 33, in the heading in column (2), the following words shall be added at the end, namely:—

“other than those specifically mentioned in the table in clause (a) of sub-section (1) of section 6.”;

[****]

(vi) serial number 86B and the entries against it in columns (2) and (3) shall be omitted;

(vii) After serial number 109A, and the entries against it in columns (2) and (3), the following serial number and entries shall, respectively, be inserted, namely:—

“109B Rice bran oil ****.”;

(viii) after serial number 141A and the entries against in columns (2) and (3), the following serial numbers and entries shall, respectively, be inserted, namely:—

“141B. Washing soap bars and cakes
 manufactured using coconut oil ****

“141C. Waste and scrap of primary cells,
 primary batteries and electric
 accumulators; spent primary cells,
 spent primary batteries and
 spent electric accumulators;
 electrical parts of machinery
 or apparatus. 8548.”;

(d) in List A,—

(i) in serial number 118, in item 15 for entries against it in columns (2) and (3) the following entries shall, respectively, be substituted, namely:—

recycled plastic. ****

“10. Validation.—(1) Notwithstanding the lapse of the Kerala Finance Bill, 2016 (Bill No. 396 of Thirteenth Kerala Legislative Assembly) (hereinafter referred to as the said Bill) and the cesser of force of law of the declared provisions of said Bill anything done or any action taken, including levy and collection of tax

or duty, during the period from the 1st day of April, 2016 to the 17th day of July, 2016, by virtue of the declared provisions contained in the said bill, under the Kerala Surcharge on Taxes Act, 1957 (11 of 1957) or under the Kerala Stamp Act, 1959 (17 of 1959) or under the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960) or under the Kerala Tax on Luxuries Act, 1976 (32 of 1976) or under the Kerala Agricultural Income Tax Act, 1991 (15 of 1991) or under the Kerala Value Added Tax Act, 2003 (30 of 2004) (hereinafter referred to as the respective Acts) as they stand amended by the said Bill, shall be deemed to be and to have always been for all purposes, validly and effectively done or taken under the provisions of the respective Acts, as if the said amendments had been in force at all material times.

(2) Notwithstanding anything contained in the respective Acts during the period from 1st April, 2016 to 17th day of July, 2016 during which the declared provisions contained in the said Bill was in force, anything done or any action taken by virtue of the said provisions of the said Bill shall be deemed to have been validly done or taken under the respective Acts and no action shall lie against any dealer or authority on the ground of short levy or refund of excess tax or duty and tax or duty collected, if any, by a dealer or an authority, as the case may be, shall be paid over to the Government.

(3) Notwithstanding anything contained in the Kerala Value Added Tax Act, 2003 (30 of 2004) any tax collected or paid at higher rate by virtue of the provisions of the Kerala Finance Bill, 2016 (Bill No. 16 of the XIV Kerala Legislative Assembly) in respect of the period with effect on and from the 18th day of July, 2016 to the date of publication of this Act, shall be deemed to have been validly done and any tax collected or paid by a dealer or authority at such higher rates shall be deemed to have been validly collected or paid and the tax so collected shall be paid over to the Government and shall not be refunded."

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
27th October, 2016.

V. K. BABU PRAKASH,
Secretary.