
REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA FINANCE BILL, 2025
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

Presented on 20th March, 2025

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SUBJECT COMMITTEE VIII
ECONOMIC AFFAIRS
(2023-2026)

Composition

Chairperson:

Shri K. N. Balagopal,
Minister for Finance .

Ex-officio Members:

Shri M. B. Rajesh,
Minister for Local Self Governments, Excise and Parliamentary Affairs.

Shri Ramachandran Kadannappalli,
Minister for Registration, Museums and Archaeology.

Members:

Shri K. Babu (*Thripoonithura*)
DR. K. T. Jaleel
Shri D. K. Murali
Shri Thiruvanchoor Radhakrishnan
Shri Thottathil Raveendran
Shri N. Samsudheen
Shri K.V. Sumesh
Shri E. K. Vijayan.

Legislature Secretariat:

DR. N. Krishna Kumar, Secretary
Smt. Sudarsana K., Joint Secretary
Shri Jayakumar G., Deputy Secretary
Smt Shami J., Under Secretary.

THE KERALA FINANCE BILL, 2025

(Report of the Subject Committee)

The Kerala Finance Bill, 2025 (Bill No. 250) was referred to Subject Committee VIII - Economic Affairs for joint consideration with Subject Committee II – Land Revenue and Devaswom, Subject Committee V – Works, Transport and Communications and Subject Committee XIV – Home Affairs. The joint meeting of Subject Committee II, 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, 2025 was published as a Gazette Extraordinary dated 12th March, 2025. The Bill was introduced in the Assembly on 19th March, 2025 and was referred to Subject Committee VIII on the same day for joint consideration with Subject Committee II, V and XIV.

3. The Committee considered the Bill clause by clause at the meeting held on 19th March, 2025. The committee recommends to adopt the Bill with the following modifications:

Clause 2

(1) in sub-clause (2), for the word “whereever” the word “wherever” shall be substituted;

(2) in sub-clause (3), for the word “whereever” the word “wherever” shall be substituted;

(3) in item (b) of sub-clause (20), in article 9 of the schedule in column 2,—

(a) in item (j), for the words, symbol and figure “section 47 and Order XXI, rules 58 and 90,” the words “Section 47, Order XXI rules 58 and 90 and Order XXXVIII rule 8” shall be substituted;

(b) in item (o), for the words “Application for enforcing foreign awards”, the words “Application for enforcing awards including foreign awards” shall be substituted;

(c) in item (u), for the sub-item “(ix)”, the following sub-item shall be substituted, namely:—

“(ix) exceeds rupees one crore for every one hundred rupees or part thereof, in excess of rupees one crore”;

(d) in item (w), the words and figure "application under Order XXI rule 58 filed before the Trial Court or Executing Court or an" shall be omitted.

Clause 4

(1) in sub-clause (4) proposed to substitute section 23B,—

(a) in sub-section (1)

(i) after the words "Act may opt to settle the arrears", the words "in any of the assessment orders" shall be inserted;

(ii) after the words "principal amount of tax and", the words "cess along with" shall be inserted;

(b) in sub-section (4), in the proviso, for the words "if such case is settled by the assessee", the words "on settlement of such cases" shall be substituted;

(c) in the proviso to sub-section (6), for the words "opportunity or" the words "opportunity for" shall be substituted;

(d) sub-section (10), after the words and symbol "if any, paid earlier", the words and symbol, "after the service of the demand notice," shall be inserted;

(2) in sub-clause (5) proposed to insert section 23BB,—

(a) in the proviso to sub-section (6) for the words and symbol "if such case is settled by the assessee," the words and symbol "on settlement of such cases," shall be substituted;

(b) in sub-section (8) after the words and figures "Kerala Revenue Recovery Act, 1968" the word, brackets and figures "(15 of 1968)," shall be inserted;

(3) sub- clause (7) shall be renumbered as sub-clause (6) and the remaining sub-clauses shall be renumbered accordingly.

(4) in re-numbered sub-clause (7) proposed to substitute section 29A, in sub-section (3), for the words and symbol "under the sub-sections.", the words, symbols, brackets and figures "under sub-section (1) or (2) or both, as the case may be." shall be substituted.

(5) in re-numbered sub-clause (8) proposed to substitute section 30E,—

(i) in the marginal heading for the words "vessel or vehicle", the words "conveyance or both" shall be substituted;

(ii) in sub-section (2),—

(a) for the word "provisins" the word "provisions" shall be substituted;

(b) for the words and symbol "in charge of the goods conveyance," the words and symbols "in charge of the goods or conveyance," shall be substituted;

(iii) in sub-sections (3) and (4), for the word "bonafides", the word "bonafide" shall be substituted;

(iv) in sub-section (7), for the words, symbols, brackets and figure "fails to prove the genuineness of the transport as per sub-section (3)," the words and symbol "fails to prove the bonafide of the transport," shall be substituted;

(v) in sub-section (12), for the words "The officer shall take and hold possession of the things confiscated", the words "The officer adjudging the confiscation shall take and hold possession of the goods or conveyance or both" shall be substituted.

Clause 5

in sub-clause (2), in item (a) for the Explanation, the following Explanation shall be substituted, namely:—

"Explanation.-Batteries Renting/Leasing facility means, purchase of vehicle by excluding the cost of battery and pay for battery by way of pay-per kilometre usage or any such other method."

Clause 8

in sub-clause (1)(g), after the words "Kerala State Goods and Services Tax Act, 2017" the word, brackets and figures "(20 of 2017)" shall be inserted.

Clause 29

(a) in sub-clause (2), for the word, figures and symbol "1st April, 2025", the words "the date of payment" shall be substituted;

(b) in sub-clause (4), after the words "intimate the settlement to the appellate or revisional authority under", the words and figure "section 14 of" shall be inserted.

4. All other changes are either verbal or consequential.

5. The minutes of dissents and the Bill as reported by the Subject Committee are appended.

Thiruvananthapuram,
20th March, 2025.

K. N. BALAGOPAL,
Chairperson,
Subject Committee VIII.

അനുബന്ധം 1

വിയോജനക്കുറിപ്പ് -I

2025-26 സാമ്പത്തിക വർഷത്തെ ബജറ്റിലെ നികുതി നിർദ്ദേശങ്ങൾക്ക് പ്രാബല്യം നൽകുന്നതിനായി 2025-ലെ കേരള ധനകാര്യ ബില്ലിൽ ഉൾപ്പെടുത്തിയിരിക്കുന്ന വ്യവസ്ഥകൾ സാധാരണ ജനങ്ങളുടെ നികുതിഭാരം വർദ്ധിപ്പിക്കുന്നതും കടുത്ത സാമ്പത്തിക പ്രതിസന്ധി നേരിടുന്ന സംസ്ഥാനത്തിന്റെ വരുമാന വളർച്ചയിൽ ഗുണകരമായ പ്രതിഫലനങ്ങൾ സൃഷ്ടിക്കാത്തതുമാണ്. ബജറ്റിൽ പ്രഖ്യാപിച്ച ആംനെസ്റ്റി സ്കീമിലും കുടിശ്ശിക പിരിച്ചെടുക്കാനുള്ള പ്രായോഗിക സമീപനം സ്വീകരിച്ചിട്ടില്ല. ജി. എസ്. ടി. കൗൺസിലിന്റെ ശുപാർശ പ്രകാരം 2025-ലെ യൂണിയൻ ഫിനാൻസ് ബില്ലിൽ ഉൾപ്പെടുത്തി 2017-ലെ കേന്ദ്ര ചരക്ക് സേവന നികുതി നിയമത്തിൽ വരുത്തിയ ഭേദഗതികൾ 2017-ലെ കേരള സംസ്ഥാന ചരക്ക് സേവന നികുതി നിയമത്തിലും വരുത്തുന്നതിനുള്ള വ്യവസ്ഥകളും ബില്ലിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ട്.

നികുതി നിർണ്ണയത്തിലെ പിഴവുകൾ മൂലമാണ് മുൻകാലങ്ങളിൽ ആംനെസ്റ്റി സ്കീമുകൾ പരാജയപ്പെട്ടത് എന്ന യാഥാർത്ഥ്യം ഉൾക്കൊണ്ടുകൊണ്ട് തർക്കമുള്ള നികുതികൾ പുനർനിർണയിക്കുവാൻ സർക്കാർ തയ്യാറാകണം. കുടിശ്ശിക നികുതി പിരിച്ചെടുക്കുന്നതിന് ഇപ്രകാരം യാഥാർത്ഥ്യ ബോധ്യത്തോടെയുള്ള പ്രായോഗിക സമീപനം സ്വീകരിക്കുവാൻ സർക്കാർ തയ്യാറാകുന്നില്ല.

ഉപഭോക്തൃ സംസ്ഥാനം എന്ന നിലയിൽ ജി.എസ്.ടി. നിയമത്തിന്റെ ഗുണഫലങ്ങൾ ഏറെ ലഭിക്കേണ്ടിയിരുന്നിട്ടും നികുതി ഭരണത്തിലെ കെട്ടുകാര്യസ്ഥത മൂലം അർഹതപ്പെട്ട ഐ.ജി.എസ്.ടി. വിഹിതം ഉൾപ്പെടെ നേടിയെടുക്കുവാൻ സാധിക്കാത്ത സാഹചര്യമാണ് നിലവിലുള്ളത്.

ധനകാര്യ മാനേജ്മെന്റിലെ വീഴ്ചകൾ മൂലം സംസ്ഥാനം കടുത്ത സാമ്പത്തിക പ്രതിസന്ധി നേരിടുന്ന സാഹചര്യത്തിൽ, വരുമാനം വർദ്ധിപ്പിക്കുന്നതിന് ഫലപ്രദമായ നയപരിപാടികൾ ആവിഷ്കരിക്കാതെ നികുതികളും ഫീസുകളും വർദ്ധിപ്പിച്ച് സാധാരണ ജനങ്ങൾക്കുമേൽ സാമ്പത്തിക പ്രതിസന്ധിയുടെ ആഘാതം അടിച്ചേൽപ്പിക്കുന്ന സമീപനം സ്വീകരിക്കുന്നതിനാൽ ബില്ലിനോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

കെ. ബാബു (തൃപ്പൂണിത്തുറ)

(ഒപ്പ്)

തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ

(ഒപ്പ്)

എൻ. ഷംസുദ്ദീൻ

(ഒപ്പ്)

വിയോജനക്കുറിപ്പ് -II

2025-26-ലെ ബജറ്റ് പ്രഖ്യാപനത്തിന്റെ അടിസ്ഥാനത്തിൽ, ഭൂമിയിൽനിന്ന് സർക്കാരിന് ലഭിക്കുന്ന വരുമാനം വർദ്ധിപ്പിക്കുന്നതിനായി അടിസ്ഥാന ഭൂനികുതി സ്റ്റാമ്പുകളിൽ 50 ശതമാനം വർദ്ധനവ് വരുത്തുന്നതിന് 1961-ലെ കേരള ഭൂനികുതി നിയമം ഭേദഗതി ചെയ്യുന്നതിനുള്ള വ്യവസ്ഥകളാണ് 2025-ലെ കേരള ധനകാര്യ ബില്ലിന്റെ മൂന്നാം വകുപ്പിൽ ഉൾപ്പെടുത്തിയിട്ടുള്ളത്.

സർക്കാരിന്റെ ധനകാര്യ മാനേജ്മെന്റിലെ പാളിച്ചകളും നികുതി പിരിച്ചെടുക്കുന്നതിൽ ഉണ്ടായിട്ടുള്ള വീഴ്ചകളും സാമ്പത്തിക അച്ചടക്കം ഇല്ലായ്മയും മൂലം ഉണ്ടായിട്ടുള്ള ധനകാര്യ പ്രതിസന്ധിയുടെ മുഴുവൻ ഭാരവും നികുതി വർദ്ധനവുകളായും ഫീസ് വർദ്ധനവുകളായും സാധാരണ ജനങ്ങൾക്ക് മേൽ അടിച്ചേൽപ്പിക്കുന്ന തെറ്റായ നയസമീപനമാണ് ഭൂനികുതി വർദ്ധനവിലും പ്രതിഫലിക്കുന്നത്. ഭൂനികുതി നിലവിലുള്ള നിരക്കിന്റെ 50 ശതമാനം വർദ്ധിപ്പിക്കുന്നത് കർഷകരെയും സാധാരണ ജനങ്ങളെയും ദോഷകരമായി ബാധിക്കുമെന്നതിനാൽ പ്രസ്തുത നികുതി വർദ്ധനവ് നടപ്പാക്കുവാൻ പാടില്ല. സാധാരണ ജനങ്ങൾക്കും കർഷകർക്കും അമിത നികുതിഭാരം നൽകുന്നതിനാൽ ബില്ലിലെ വ്യവസ്ഥയോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

എൻ. എ. നെല്ലിക്കുന്ന്

(ഒപ്പ്)

വിയോജനക്കുറിപ്പ് - III

2025-26 ബജറ്റിലെ നികുതി നിർദ്ദേശങ്ങളുടെ ഭാഗമായി കോൺട്രാക്ട് ക്യാരേജ് വാഹനങ്ങളുടെ നികുതി ഏകീകരിക്കുന്നതിനും സ്റ്റേജ് ക്യാരേജ് വാഹനങ്ങൾക്ക് നികുതിയിളവ് അനുവദിക്കുന്നതിനും ഇലക്ട്രിക് വാഹനങ്ങൾക്ക് നികുതി ഉയർത്തുന്നതിനും 15 വർഷത്തിൽ കൂടുതൽ പഴക്കമുള്ള വാഹനങ്ങളുടെ നികുതി 50 ശതമാനം വർദ്ധിപ്പിക്കുന്നതിനുമായി 1976-ലെ കേരള മോട്ടോർ വാഹന നികുതി നിയമം ഭേദഗതി ചെയ്യുന്നതിനാണ് വകുപ്പ് 5 പ്രകാരം 2025 -ലെ കേരള ധനകാര്യ ബില്ലിൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്നത്.

കോൺട്രാക്ട് ക്യാരേജ് വാഹനങ്ങളുടെ നികുതി ഏകീകരിക്കുമ്പോൾ, പൂർണ്ണമായി സീറ്റുകൾ ഇല്ലാത്ത സാധാരണ കോൺട്രാക്ട് ക്യാരേജുകളുടെ നികുതി ഉയർത്തുന്ന സമീപനമാണ് സർക്കാർ സ്വീകരിച്ചിട്ടുള്ളത്. കോൺട്രാക്ട് ക്യാരേജുകളിൽ ലക്ഷ്യനിർദ്ദേശ വാഹനങ്ങൾ 10%- ത്തിൽ താഴെ ആയതിനാൽ ബഹുഭൂരിപക്ഷം വരുന്ന സാധാരണ കോൺട്രാക്ട് ക്യാരേജ് സർവീസുകളെ ഇത് ദോഷകരമായി ബാധിക്കുകയും ഈ മേഖലയിൽ പ്രതിസന്ധി ഉണ്ടാവുകയും ചെയ്യുന്നതാണ്.

നിലവിൽ എല്ലാത്തരം ഇ - വാഹനങ്ങൾക്കും അഞ്ച് ശതമാനം നികുതിയാണ്. എന്നാൽ ബജറ്റ് നിർദ്ദേശപ്രകാരം 15 ലക്ഷത്തിന് മുകളിലുള്ള വാഹനങ്ങൾക്ക് 8 ശതമാനവും 20 ലക്ഷത്തിന് മുകളിൽ വിലയുള്ളവയ്ക്ക് 10 ശതമാനവും ചാർജ് ചെയ്ത ബാറ്ററികൾ മാറ്റിവയ്ക്കുന്ന വാഹനങ്ങൾക്ക് 10 ശതമാനമായും നികുതി വർദ്ധിപ്പിച്ചിരിക്കുന്നു. വിപണിയിൽ ആവശ്യക്കാരേറെയുള്ള ഇ-കാറുകളെല്ലാം 15 ലക്ഷത്തിനുമേൽ വിലയുള്ളവയാണ്. അയൽ സംസ്ഥാനമായ തമിഴ്നാട്ടിൽ ഇ-വാഹനങ്ങൾക്ക് നികുതിയിളവ് നൽകുമ്പോഴാണ് കേരളത്തിൽ നികുതി ഉയർത്തുന്നത്. ഇലക്ട്രിക് വാഹനങ്ങളുടെ ഉപയോഗത്തെ നിരുത്സാഹപ്പെടുത്തുന്ന തെറ്റായ നയസമീപനമാണിത്.

15 വർഷം പഴക്കമുള്ള സ്വകാര്യവാഹനങ്ങൾക്ക് നിലവിലെ റോഡ് നികുതിയുടെ പകുതി തുകകൂടി നികുതിയിനത്തിൽ ഈടാക്കുകയാണ്. പഴയ വാഹനങ്ങളുടെ ഉപയോഗത്തെ നിരുത്സാഹപ്പെടുത്തുന്ന സമീപനമാണെങ്കിലും ഇത് ഫലത്തിൽ ജനങ്ങൾക്ക് അധിക ബാധ്യതയായി തീരുന്നതാണ്.

മേൽപ്പറഞ്ഞ കാരണങ്ങളാൽ ബില്ലിലെ വ്യവസ്ഥയോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

മോൻസ് ജോസഫ്

(ഒപ്പ്)

വിയോജനക്കുറിപ്പ് - IV

2025-26 സാമ്പത്തിക വർഷത്തെ ബജറ്റിലെ കോടതി ഫീസ് വർദ്ധനവ് സംബന്ധിച്ച പ്രഖ്യാപനങ്ങൾക്ക് നിയമപ്രാബല്യം നൽകുന്ന ഭേദഗതി വ്യവസ്ഥകളാണ് 2025-ലെ കേരള ധനകാര്യ ബില്ലിലെ രണ്ടാം വകുപ്പ് പ്രകാരം 1959-ലെ കേരള കോടതി ഫീസും വ്യവഹാരസലയും ആക്റ്റിൽ ഉൾപ്പെടുത്തിയിരിക്കുന്നത്.

കോടതികളുടെ പശ്ചാത്തലസൗകര്യം വികസിപ്പിക്കുന്നതിനും അഭിഭാഷക, ഗുമസ്ത ക്ഷേമനിധികളുടെ ആനുകൂല്യങ്ങൾ പരിഷ്കരിക്കുന്നതിനും ഉൾപ്പെടെയുള്ള ആവശ്യങ്ങൾക്കായി, കോടതി ഫീസുകൾ പരിഷ്കരിക്കുന്നത് സംബന്ധിച്ച് പഠിക്കുന്നതിനായി സർക്കാർ നിയോഗിച്ച കമ്മറ്റിയുടെ ശുപാർശകളുടെ അടിസ്ഥാനത്തിലാണ് ഫീസ് വർദ്ധനവ് നടപ്പാക്കുന്നതെന്നാണ് ബജറ്റ് പ്രസംഗത്തിൽ വ്യക്തമാക്കിയിട്ടുള്ളത്.

എന്നാൽ, സാധാരണക്കാരായ വ്യവഹാരികളെ വളരെയധികം ദോഷകരമായി ബാധിക്കുന്ന രീതിയിൽ അഞ്ച് ഇരട്ടി ഉയർന്ന നിരക്കിലാണ് കോടതി ഫീസുകൾ വർദ്ധിപ്പിച്ചിട്ടുള്ളത്. പല വ്യവഹാരങ്ങൾക്കുമുള്ള കുറഞ്ഞ ഫീസ് തുക നിലവിലുള്ളതിന്റെ 20 ഇരട്ടിയിലധികം വർദ്ധിപ്പിച്ചിട്ടുണ്ട്. ഇത് ഭരണഘടനയുടെ നിർദ്ദേശക തത്വങ്ങളിൽ ഉൾപ്പെട്ട ആർട്ടിക്കിൾ 39 എ-യുടെ തത്വത്തിന് വിരുദ്ധമായ സമീപനമാണ്. "The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities." എന്നാണ് ആർട്ടിക്കിൾ 39 എ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളത്. ഉയർന്ന ഫീസ് നിരക്ക് കാരണം നീതി തേടി ജുഡീഷ്യറിയെ സമീപിക്കുവാൻ സാധാരണ ജനങ്ങൾ തയ്യാറാകാത്ത ദൗർഭാഗ്യകരമായ സാഹചര്യത്തിലേക്ക് നയിക്കുന്ന ഭരണഘടനാ തത്വങ്ങൾക്ക് വിരുദ്ധമായ നയ സമീപനമാണ് സർക്കാർ സ്വീകരിച്ചിട്ടുള്ളത്.

ബജറ്റ് പ്രസംഗത്തിന്റെ പാഠശ്രാവ് 839(5)-ൽ, ട്രസ്റ്റ് പ്രോപ്പർട്ടികൾ സംബന്ധിച്ച സൂട്ടുകളുടെ കാര്യത്തിൽ വിപണി വില ഇല്ലാത്തവയ്ക്ക് ആയിരം രൂപ ഫീസ് എന്നാണ് പ്രഖ്യാപിച്ചത്. എന്നാൽ ധനകാര്യ ബില്ലിൽ പ്രസ്തുത ഫീസ് 10000 രൂപ ആയി ഉയർത്തിയാണ് വ്യവസ്ഥ ചെയ്തിട്ടുള്ളത്. ഈ കാര്യത്തിൽ വ്യക്തത ആവശ്യമാണ്. വനിതകൾക്കും ട്രാൻസ്ജെൻഡറുകൾക്കും കോടതി ഫീസുകളുടെ കാര്യത്തിൽ ഇളവ് അനുവദിക്കണമെന്ന കോടതി ഫീസ് പരിഷ്കരണ കമ്മിറ്റിയുടെ നിർദ്ദേശത്തിന്മേൽ സർക്കാർ തുടർനടപടികൾ സ്വീകരിച്ചിട്ടുമില്ല.

കോടതി ഫീസുകൾ കുത്തനെ ഉയർത്തി സാധാരണക്കാർക്ക് നീതി നിഷേധിക്കുന്ന രീതിയിൽ ഭരണഘടനാ തത്വങ്ങൾക്ക് വിരുദ്ധമായ സമീപനം സ്വീകരിച്ചിരിക്കുന്നതിനാൽ ബില്ലിനോട് വിരോധിച്ച് രേഖപ്പെടുത്തുന്നു.

വി. ഡി. സതീശൻ

(ഒപ്പ്)

പി. കെ. കുഞ്ഞാലിക്കുട്ടി

(ഒപ്പ്)

വിയോജനക്കുറിപ്പ് - IV

2025-26 സാമ്പത്തിക വർഷത്തെ ബജറ്റിലെ കോടതി ഫീസ് വർദ്ധനവ് സംബന്ധിച്ച പ്രഖ്യാപനങ്ങൾക്ക് നിയമപ്രാബല്യം നൽകുന്ന ഭേദഗതി വ്യവസ്ഥകളാണ് 2025-ലെ കേരള ധനകാര്യ ബില്ലിലെ രണ്ടാം വകുപ്പ് പ്രകാരം 1959-ലെ കേരള കോടതി ഫീസും വ്യവഹാരസലയും ആക്റ്റിൽ ഉൾപ്പെടുത്തിയിരിക്കുന്നത്.

കോടതികളുടെ പശ്ചാത്തലസൗകര്യം വികസിപ്പിക്കുന്നതിനും അഭിഭാഷക, ഗുമസ്ത ക്ഷേമനിധികളുടെ ആനുകൂല്യങ്ങൾ പരിഷ്ക്കരിക്കുന്നതിനും ഉൾപ്പെടെയുള്ള ആവശ്യങ്ങൾക്കായി, കോടതി ഫീസുകൾ പരിഷ്ക്കരിക്കുന്നത് സംബന്ധിച്ച് പഠിക്കുന്നതിനായി സർക്കാർ നിയോഗിച്ച കമ്മറ്റിയുടെ ശുപാർശകളുടെ അടിസ്ഥാനത്തിലാണ് ഫീസ് വർദ്ധനവ് നടപ്പാക്കുന്നതെന്നാണ് ബജറ്റ് പ്രസംഗത്തിൽ വ്യക്തമാക്കിയിട്ടുള്ളത്.

എന്നാൽ, സാധാരണക്കാരായ വ്യവഹാരികളെ വളരെയധികം ദോഷകരമായി ബാധിക്കുന്ന രീതിയിൽ അഞ്ച് ഇരട്ടി ഉയർന്ന നിരക്കിലാണ് കോടതി ഫീസുകൾ വർദ്ധിപ്പിച്ചിട്ടുള്ളത്. പല വ്യവഹാരങ്ങൾക്കുമുള്ള കുറഞ്ഞ ഫീസ് തുക നിലവിലുള്ളതിന്റെ 20 ഇരട്ടിയിലധികം വർദ്ധിപ്പിച്ചിട്ടുണ്ട്. ഇത് ഭരണഘടനയുടെ നിർദ്ദേശക തത്വങ്ങളിൽ ഉൾപ്പെട്ട ആർട്ടിക്കിൾ 39 എ-യുടെ തത്വത്തിന് വിരുദ്ധമായ സമീപനമാണ്. "The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities." എന്നാണ് ആർട്ടിക്കിൾ 39 എ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളത്. ഉയർന്ന ഫീസ് നിരക്ക് കാരണം നീതി തേടി ജുഡീഷ്യറിയെ സമീപിക്കുവാൻ സാധാരണ ജനങ്ങൾ തയ്യാറാകാത്ത ദൗർഭാഗ്യകരമായ സാഹചര്യത്തിലേക്ക് നയിക്കുന്ന ഭരണഘടനാ തത്വങ്ങൾക്ക് വിരുദ്ധമായ നയ സമീപനമാണ് സർക്കാർ സ്വീകരിച്ചിട്ടുള്ളത്.

ബജറ്റ് പ്രസംഗത്തിന്റെ പാരഗ്രാഫ് 839(5)-ൽ, ട്രസ്റ്റ് പ്രോപ്പർട്ടികൾ സംബന്ധിച്ച സൂട്ടുകളുടെ കാര്യത്തിൽ വിപണി വില ഇല്ലാത്തവയ്ക്ക് ആയിരം രൂപ ഫീസ് എന്നാണ് പ്രഖ്യാപിച്ചത്. എന്നാൽ ധനകാര്യ ബില്ലിൽ പ്രസ്തുത ഫീസ് 10000 രൂപ ആയി ഉയർത്തിയാണ് വ്യവസ്ഥ ചെയ്തിട്ടുള്ളത്. ഈ കാര്യത്തിൽ വ്യക്തത ആവശ്യമാണ്. വനിതകൾക്കും ട്രാൻസ്ജെൻഡറുകൾക്കും കോടതി ഫീസുകളുടെ കാര്യത്തിൽ ഇളവ് അനുവദിക്കണമെന്ന കോടതി ഫീസ് പരിഷ്കരണ കമ്മറ്റിയുടെ നിർദ്ദേശത്തിന്മേൽ സർക്കാർ തുടർനടപടികൾ സ്വീകരിച്ചിട്ടുമില്ല.

കോടതി ഫീസുകൾ കുത്തനെ ഉയർത്തി സാധാരണക്കാർക്ക് നീതി നിഷേധിക്കുന്ന രീതിയിൽ ഭരണഘടനാ തത്വങ്ങൾക്ക് വിരുദ്ധമായ സമീപനം സ്വീകരിച്ചിരിക്കുന്നതിനാൽ ബില്ലിനോട് വിരോധിച്ച് രേഖപ്പെടുത്തുന്നു.

വി. ഡി. സതീശൻ

(ഒപ്പ്)

പി. കെ. കുഞ്ഞാലിക്കുട്ടി

(ഒപ്പ്)

APPENDIX -II
THE KERALA FINANCE BILL, 2025

[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 2025-2026.

Preamble.—WHEREAS, it is expedient to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2025-2026;

BE it enacted in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 2025.

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

(a) clause (a) of sub-section (1) of section 4 shall be deemed to have come into force on the 1st day of July, 2017;

(b) section 6 shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this section and any reference in any such provision to the Act shall be construed as a reference to the coming into force of that provision;

(c) section 7 shall be deemed to have come into force on the 1st day of August, 2024;

(d) the remaining provisions of this Act shall come into force on the 1st day of April, 2025.

CHAPTER II

REVISION OF TAXES

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

(1) in section 7, in sub-section (2) after the figure and symbol “38,” the figures, brackets, letter and symbol “40(1a),” shall be inserted;

(2) in section 25, for the words “rupees one thousand”, wherever it occurs the words “rupees five thousand” shall be substituted;

(3) in section 27, for the words “rupees five hundred”, wherever it occurs the words “rupees two thousand and five hundred” shall be substituted;

(4) in section 28,—

(i) for the words “rupees two hundred”, the words “rupees five thousand” and for the words “rupees one thousand” the words “rupees ten thousand” shall be substituted;

(ii) in the Explanation, after the words “charitable endowment”, the words, symbols, brackets and figures “and any institution registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) and the Societies Registration Act, 1860 (Central Act 21 of 1860)” shall be inserted;

(5) for section 29, the following section shall be substituted, namely:—

“29. *Suits for possession under the Specific Relief Act, 1963.*— In a suit for possession of immovable property under section 6 of the Specific Relief Act, 1963 (Central Act 47 of 1963), fee shall be computed on one third of the market value of the property or rupees ten thousand, whichever is higher.”;

(6) in section 30, for the words “rupees one thousand”, the words “rupees twenty thousand” shall be substituted;

(7) in section 31, for the words “rupees one thousand”, the words “rupees five thousand” shall be substituted;

(8) in section 35, in sub-section (1), for the words “rupees one thousand”, the words “rupees five thousand” shall be substituted;

(9) in section 37, in sub-section (2),—

(i) in item (i), for the words “Rupees fifty”, the words “Rupees five hundred” shall be substituted;

(ii) in item (ii), for the words “Rupees three hundred”, the words “Rupees two thousand” shall be substituted;

(10) in section 40, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1a) Notwithstanding anything contained in sub-section (1) for setting aside a gift deed, settlement deed and release deed, if filed by the settlor, donor or any person who can claim under him in present or future, the fee shall be computed on the market value of the property.”;

(11) in section 45,—

(i) for the words, figures and symbols “section 14 of the Madras Survey and Boundaries Act, 1923, section 13 of the Travancore Survey and Boundaries Act of 1094 or section 14 of the Cochin Survey Act, II of 1074”, the words, symbols, bracket and figures “section 13 of the Kerala Survey and Boundaries Act, 1961 (37 of 1961)” shall be substituted;

(ii) for the words “rupees one thousand”, the words “rupees five thousand” shall be substituted;

(12) in section 46, for the words “fifteen rupees”, the words “seventy five rupees ” shall be substituted;

(13) in section 47, for the words and symbol “the fee payable shall be ten rupees.”, the following shall be substituted, namely:—

“the fee payable shall be at the following rates,—

(i) In a Munsiff Court-Rupees five hundred;

(ii) In a Sub-Court or a District Court-Rupees thousand.”;

(14) in section 50, for the words “Rupees twenty five”, “Rupees fifty”, “Rupees two hundred”, “Rupees four hundred”, the words “Rupees one hundred and twenty five”, “Rupees two hundred and fifty”, “Rupees one thousand” and “Rupees two thousand” shall respectively be substituted;

(15) in section 52A, for the words, figure, letters and brackets “sub-items (C) and (D) of item (iii) of article 3 of Schedule II”, the words, figure, letters and brackets “sub-items (C) and (D) of item (ii) of article 1 of schedule II” shall be substituted;

(16) in section 68, for the words, figure, letters and brackets “article 11(g) and (t) of Schedule II”, the words, figure, letters and brackets “article 9(g) and (s) of schedule II” shall be substituted;

(17) in section 74, in sub-section (1), in item (ii) for the words “rupees twelve thousand”, the words “rupees three lakh” and for the words “rupees fifteen thousand”, the words “rupees ten lakh” shall be substituted;

(18) in section 74A, in sub-section (1), in item (b), for the words “one hundred rupees”, the words “twenty five thousand rupees” and for the words “one thousand rupees”, the words “ten lakh rupees” shall be substituted;

(19) in section 76,—

(i) in sub-section (1), after the words “amount involved in the dispute”, the words, symbols, brackets and figures “,on petitions under section 34 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) at the rate of 0.5% of the award amount and on original petitions filed before the High Court and petition filed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Central Act 54 of 2002) at the rate of rupees one hundred per petition” shall be inserted;

(ii) in sub-section (2), in item (ii), for the words and figures “article 16 of schedule II”, the words and figures “article 12 of schedule II” shall be substituted;

(20) in the schedule,—

(a) in the first schedule, after article 1 and the entries against it in columns (2) and (3), the following article and entries shall respectively be inserted, namely:—

“1A Complaint or written statement, pleading a set-off or counter claim or memorandum of appeal presented to any Court—

<p>compensation for bodily injury or death caused by any criminal act, grievous hurt, malicious prosecution, defamation – libel or slander</p>	<p>One percentum on the amount of compensation”;</p>
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(b) for the second schedule, the following schedule shall be substituted, namely:—

SCHEDULE II

<i>Article</i>	<i>Particulars</i>	<i>Proper fee</i>
(1)	(2)	(3)
1.	Memorandum of appeal from an order inclusive of an order determining any question under section 47 or section 144 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and not otherwise provided for when presented—	
	(i) to any Court other than the High Court or to the Land Revenue Commissioner or the Chief Executive Authority or to any Executive Officer.	Fifty rupees
	(ii) to the High Court—	

(1)	(2)	(3)
(A) From an order other than an order under the Kerala Farmers' Debt Relief Commission Act, 2006 (1 of 2007)		
(1) Where the order was passed by a Subordinate Court or other authority—		
(a) If the order relates to a suit or proceeding, the value of which exceeds one thousand rupees		One hundred and twenty five rupees
(b) In any other case		Fifty rupees
(2) Where the appeal is under section 5 of the Kerala High Court Act, 1958 (5 of 1959)—		
(a) From an order passed in exercise of appellate jurisdiction		One hundred and twenty five rupees
(b) From an order passed in exercise of original jurisdiction, which would be appealable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), had it been passed by a Subordinate Court		One hundred and twenty five rupees
(c) In any other case		One thousand rupees per appellant
(3) Where the appeal is under section 45-B of the Banking Regulation Act, 1949 (Central Act 10 of 1949)		One thousand two hundred and fifty rupees

(1)	(2)	(3)
	(4) Where the appeal is under section 415 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (Central Act 46 of 2023)	Fifty rupees
	(B) From an order under the Kerala Farmers' Debt Relief Commission Act, 2006 (1 of 2007)	Twenty five rupees
	(C) From an order of the Appellate Tribunal under the Income Tax Act, 1961 (Central Act 43 of 1961),—	
	(a) Where the total income of the assessee as computed by the Assessing Officer, in the case to which the appeal relates is one lakh rupees or less	Two thousand and five hundred rupees
	(b) Where such income exceeds one lakh rupees but does not exceed two lakh rupees	Seven thousand and five hundred rupees
	(c) Where such income exceeds two lakh rupees,—	
	(i) in the case of appeal by the Government of India	Two percent of the relief sought for subject to a maximum of rupees one lakh
	(ii) in all other cases	Five percent of the relief sought for subject to a maximum of rupees ten lakhs

(1)	(2)	(3)
(d) Where the subject matter of an appeal relates to any matter, other than those specified in sub-clauses (a) to (c) above	(D) From an order of the Appellate Tribunal under the Wealth Tax Act, 1957 (Central Act 27 of 1957),—	Ten percent of relief sought for, subject to a minimum of two thousand five hundred rupees
(a) Where the total net wealth of the assessee as computed by the Assessing Officer, in the case to which the appeal relates is one lakh rupees or less	(b) Where such net wealth exceeds one lakh rupees but does not exceed two lakh rupees	Two thousand and five hundred rupees
(c) Where such net wealth exceeds two lakh rupees	(d) Where the subject matter of an appeal relates to any matter, other than those specified in clauses (a) to (c) above	Seven thousand and five hundred rupees
(iii) to the Government in pursuance of a statutory right to appeal for which no court fee is leviable under any other enactment		Five percent of the relief sought for
		Ten percent of the relief sought for subject to minimum of two thousand and five hundred rupees
		One hundred and twenty five rupees

(1)	(2)	(3)
2.	Memorandum of appeal under the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996)—	
	(i) memorandum of appeal against an order under section 34 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996), setting aside or refusing to set aside an award	One percentum on amount of award
	(ii) appeals against orders passed under sections 8, 9, 16 (2), 16 (3) and 17, covered by section 37(1)(a) and (b), section 37(2)(a) and (b) of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) fee shall be chargeable as follows:—	
	(a) if the value of the claim extends upto rupees ten lakh	Five hundred rupees
	(b) if the value of the claim exceeds rupees ten lakh and upto rupees fifty lakh	Two thousand rupees
	(c) if the value of the claim exceeds rupees fifty lakh	Five thousand rupees
3.	Copy or translation of a judgment or order not being or having the force of a decree passed by the High Court, or by any Civil Court or by the Presiding Officer of any Revenue Court or office or by any other Court or Judicial or executive authority	Twenty five rupees
4.	Copy or translation of a judgment or order of a Criminal Court	Twenty five rupees

(1)	(2)	(3)
5.	Copy of a decree or order, having the force of a decree, made by the High Court or any other Court	Twenty five rupees
6.	Copy of any document liable to stamp duty under the Kerala Stamp Act, 1959 (17 of 1959) when left by any party to a suit or proceeding in place of the original withdrawn-	
	(a) When the stamp duty chargeable on the original does not exceed two rupees fifty paise	The amount of the duty chargeable on the original
	(b) in any other case	Ten rupees
7.	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act or copy of any account, statement, report or the like taken out of any Court or office of any public officer-	
	For every document	Ten rupees
8.	(a) Application or petition presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government and when the subject matter of the application or petition relates exclusively to such engagement	Ten rupees
	(b) Application or petition presented to any officer of land revenue relating to the grant of land on darkhast or assignment of land	Ten rupees

(1)	(2)	(3)
(c) Application to a Collector for lease of land for agricultural or non-agricultural purposes		Twenty five rupees
(d) Application or petition presented to any executive officer under any Act for the time being in force for the conservancy or improvement of any place if the application or petition relates solely to such conservancy or improvement		Twenty five rupees
(e) Application or petition presented to any board or executive officer for a copy or translation of any order passed by such board or officer or of any other document on record in such office		Twenty five rupees
(f) Application to a Forest Officer by a forest contractor for extension of the period of lease-		
(i) if the value of the subject matter of the lease is rupees one lakh twenty five thousand or less		Five hundred rupees
(ii) if such value exceeds rupees one lakh twenty five thousand for every rupees five thousand or part thereof, in excess of rupees one lakh twenty five thousand		One hundred rupees

(1)	(2)	(3)
(g) Application for attestation of private documents intended to be used outside India,-		
(i) which involves verification of genuineness of the document		Five hundred rupees
(ii) which requires counter signature after attestation by a Notary		Two hundred and fifty rupees
(h) Application or petition presented to the Government and not otherwise provided for-		
(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law		Ten rupees
(ii) in other cases		Five rupees
(i) Application or petition presented to the Land Revenue Commissioner or Chief Executive Authority and not otherwise provided for-		
(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law		Fifty rupees
(ii) in other cases		Twenty rupees
(j) (i) Application under section 8 (1) of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971), to the Tribunal constituted under that Act		One hundred and twentyfive rupees

(1)	(2)	(3)
	(ii) Application to such Tribunal for an interlocutory order	Thirty rupees
	(k) Application or petition not falling under clause (h) or (i) and presented to a public officer or in a public office and not otherwise provided for	Twenty five rupees
9.	(a) Application or petition presented to any Court for a copy or translation of any judgment, decree or any proceeding of or order passed by such Court or of any other document on record in such Court	Twenty five rupees
	(b) Application or petition presented to any Civil Court other than a Principal Civil Court of original jurisdiction or to any Court of Small Causes constituted under the Kerala Small Cause Courts Act, 1957 (8 of 1957), or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject matter is less than Rs. 250	Twenty five rupees
	(c) Application to any Court that records may be called from another Court, when the Court grants the application, and is of opinion that the transmission of such records involves the use of the post	Twenty five rupees in addition to the fee leviable on the application
	(d) Application for permission to deposit revenue or rent either in the office of the Collector or in the Court	Twenty five rupees

(1)	(2)	(3)
(e) Application or petition presented to a Court for determination of the amount of compensation to be paid by a landlord to his tenant.	(f) A written complaint or charge of any offence other than an offence for which a Police Officer may, under the Bharatiya Nagarik Suraksha Sanhitha, 2023 (Central Act 46 of 2023) arrest without warrant and presented to any Criminal Court and an oral complaint of any such offence reduced to writing under the Bharatiya Nagarik Suraksha Sanhitha, 2023 (Central Act 46 of 2023)	Twenty five rupees
(g) (i) Application or petition presented to any Court, except Sub-Court or District Court, or to any Magistrate Court in his executive capacity and not otherwise provided in this Act	(ii) Application or petition presented to Sub-Court or District Court	Twenty rupees per petitioner
(h) Petition for taking possession of any secured assets under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Central Act 54 of 2002)	(i) Application for arrest or attachment before judgment or for temporary injunction-	Thirty rupees per petitioner
		One thousand rupees per petition

(1)	(2)	(3)
	(i) when presented to a Civil Court or Revenue Court other than the High Court in relation to any suit or proceeding	
	(a) if the value of the subject matter of which is less than Rs. 250;	Fifty rupees
	(b) if the value is Rs. 250 and above	One hundred and twenty five rupees
	(ii) when presented to the High Court	Two hundred and fifty rupees
	(j) Application or petition under <u>section 47, Order XXI rules 58 and 90 and Order XXXVIII rule 8</u> of Civil Procedure, 1908 (Central Act 5 of 1908)-	
	(i) when filed in a Revenue Court or a Munsiff's Court;	Fifty rupees
	(ii) when filed in a Sub-Court or a District Court;	One hundred and twenty five rupees
	(iii) when filed in the High Court	Two hundred and fifty rupees
	(k) Application or petition under sections 34, 72, 73 and 74 of the Indian Trusts Act, 1882 (Central Act 2 of 1882)	Two hundred and fifty rupees
	(l) (i) Application for probate or letters of administration to have effect throughout India	Two hundred and fifty rupees
	(ii) Application for probate or letters of administration not falling under clause (i)—	

(1)	(2)	(3)
	(a) if the value of the estate does not exceed Rs. 1000;	Five rupees
	(b) if the value exceeds Rs. 1000:	Twenty five rupees
	<p>Provided that if a caveat is entered and the application is registered as a suit, one half the scale of fee prescribed in article 1 of schedule I on the market value of the estate less the fee already paid on the application shall be levied.</p>	
	(m) Original petitions not otherwise provided for when filed in-	
	(i) a Munsiff's Court-	
	(a) under the Kerala Small Cause Courts Act, 1957 (8 of 1957)	Fifty rupees
	(b) in other cases	One hundred and twenty five rupees
	(ii) a Sub-Court or a District Court	Two hundred and fifty rupees
	(iii) the High Court	Five hundred rupees per petitioner
	(iv) for Contempt of Court Cases in the High Court	Five hundred rupees
	(v) arbitration application before the High Court:	One thousand rupees

(1)	(2)	(3)
	<p>Provided that no fee shall be leviable for Habeas Corpus and Writ Petitions preferred as Public Interest Litigation as long as the same is entertained and disposed as Public Interest Litigation before the High Court</p>	
	<p>(n) Application to set aside an award under the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996),—</p> <p>the principal amount of the award covered by section 34 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996)</p>	<p>One percentum on the principal amount of award</p>
	<p>(o) <u>Application for enforcing awards including foreign awards</u>,—</p>	
	<p>(i) if the value of the subject matter of the award does not exceed ₹ 1,00,000/-;</p>	<p>One percentum on the value of the subject matter</p>
	<p>(ii) if the value exceeds ₹ 1,00,000/-, for every one hundred rupees or part thereof in excess of one lakh rupees upto ₹ 10,00,000/-;</p>	<p>0.75 percentum on the value of the subject matter</p>
	<p>(iii) if the value exceeds ₹ 10,00,000/-, for every one hundred rupees or part thereof in excess of one lakh rupees upto ₹ 1,00,00,000/-;</p>	<p>0.50 percentum on the value of the subject matter</p>
	<p>(iv) if the value exceeds ₹ 1,00,00,000/-, for every one hundred rupees or part thereof in excess of ₹ 1,00,00,000/-;</p>	<p>0.25 percentum on the value of the subject matter</p>
		<p>(subject to the maximum of fifty thousand rupees)</p>

(1)	(2)	(3)
(p) Revision petition presented to the High Court under section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or under section 22 of the Kerala Small Cause Courts Act, 1957 (8 of 1957) or under the provisions of any other Act, arising out of a suit or proceeding-		
(i) if the value of the suit or proceeding to which the order sought to be revised relates does not exceed Rs. 1000;		One hundred and twenty five rupees
(ii) if such value exceeds ₹ 1000		Two hundred and fifty rupees
(q) Petition under sections 230 and 272 of the Companies Act, 2013 (Central Act 18 of 2013), in connection with the winding up of a company		One thousand two hundred and fifty rupees
(r) Application under section 39 of the Specific Relief Act, 1963 (Central Act 47 of 1963)		One thousand rupees
(s) Application or petition presented to the High Court and not otherwise specifically provided for		Fifty rupees
(t) Election Petition questioning the election of a person in respect of-		
(i) the office of member of a Panchayat;		Two hundred and fifty rupees
(ii) the office of President or Vice President of a Panchayat;		Five hundred rupees
(iii) the office of member of a Block Panchayat;		One thousand rupees

(1)	(2)	(3)
(iv) the office of President or Vice President of a Block Panchayat;		Two thousand rupees
(v) the office of member of a District Panchayat;		One thousand and five hundred rupees
(vi) the office of President or Vice President of a District Panchayat;		Two thousand and five hundred rupees
(vii) the office of member of a Municipal Council or Municipal Corporation;		One thousand and five hundred rupees
(viii) the office of Mayor or Deputy Mayor of Municipal Corporation or Chairman or Vice Chairman of Municipal Council;		Three thousand rupees
(ix) Election petition presented to the High Court under section 80A of the Representation of the People Act, 1951 (Central Act 43 of 1951) of a Member of Legislative Assembly;		One thousand two hundred and fifty rupees
(x) Election petition presented to the High Court under section 80A of the Representation of the People Act, 1951 (Central Act 43 of 1951) of a Member of Parliament		One thousand two hundred and fifty rupees
(u) When the difference of the amount awarded by Land Acquisition Officer/ Competent Authority and reference Court, when the enhanced amount,—		
(i) does not exceeds rupees twenty five thousand;		Nil

(1)	(2)	(3)
	(ii) exceeds rupees twenty five thousand but does not exceeds one lakh;	Five hundred rupees
	(iii) exceeds rupees one lakh for every one hundred rupees or part thereof, in excess of one lakh rupees up to five lakh;	Four rupees
	(iv) exceeds rupees five lakh for every one hundred rupees, or part thereof in excess of five lakh rupees up to ten lakh;	One rupee
	(v) exceeds rupees ten lakh for every one hundred rupees or part thereof, in excess of ten lakh rupees up to twenty lakh;	0.75 rupee
	(vi) exceeds rupees twenty lakh for every one hundred rupees or part thereof, in excess of twenty lakh rupees up to fifty lakh;	0.50 rupee
	(vii) exceeds rupees fifty lakh for every one hundred rupees or part thereof, in excess of fifty lakh rupees up to seventy five lakh;	0.25 rupee
	(viii) exceeds rupees seventy five lakh for every one hundred rupees or part thereof, in excess of seventy five lakh rupees up to one crore;	0.10 rupee
	(ix) exceeds rupees one crore for every one hundred rupees or part thereof, in excess of rupees one crore	0.01 rupee
	(v) original petition preferred claiming compensation under-	
	the Telecommunications Act, 2023 (Central Act 44 of 2023); Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (Central Act 50 of 1962); the Electricity Act, 2003 (Central Act 36 of 2003)	Two percentum of additional compensation awarded

(1)	(2)	(3)
	(w) An [***] application under Order XXI rule 97 of the Civil Procedure Code, 1908 (Central Act 5 of 1908)-	
	(i) (a) before a Munsiff's Court;	Five hundred rupees
	(b) before a Sub- Court or a District Court	One thousand rupees
	(ii) for appeal / revision	One thousand rupees
10.	(i) Bail bond or other instrument of obligation when filed in village Courts	Ten rupees
	(ii) Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (Central Act 46 of 2023) or the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and not otherwise provided for in this Act	Twenty five rupees
11.	Every copy of power of attorney when filed in any suit or proceeding	Fifty rupees
12.	Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party-	
	When presented-	
	(i) to any Court other than the High Court or to any Collector or Magistrate or other executive officer;	Twenty five rupees
	(ii) to the Land Revenue Commissioner or a Chief Executive Authority	Twenty five rupees

(1)	(2)	(3)
	(iii) to the High Court	Fifty rupees
	(iv) to the Government	Fifty rupees
13. Agreement in writing stating a question for the opinion of the court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908)-		
	(i) When presented to in a case where the value of the subject matter does not exceed ₹ 5000	Five hundred rupees
	(ii) in any other case	One thousand rupees
14. Caveat		Two hundred and fifty rupees
15. Application to arbitrator for adjudication of dispute under the Chit Funds Act, 1982 (Central Act 40 of 1982)		Five percentum on the arbitration amount
16. (a) Petition or counter claim presented to family court under explanation (c) of sub-section (1) of section 7 of the Family Courts Act, 1984 (Central Act 66 of 1984)-		
When the total claim amount in the petitions/ counter claim amount valued, after deduction of the amount valued for the dwelling house,—		
	(i) upto rupees five lakhs	Two hundred rupees
	(ii) above rupees five lakhs and upto rupees twenty lakhs	Five hundred rupees
	(iii) above rupees twenty lakhs and upto rupees fifty lakhs	One thousand rupees

(1)	(2)	(3)
	(iv) above rupees fifty lakhs and upto rupees one crore	Two thousand rupees
	(v) above rupees one crore	Five thousand rupees
	(b) Appeals filed before the High Court under section 19 of the Family Courts Act, 1984 (Central Act 66 of 1984),— When the total claim amount in the petitions / counter claim amount valued, after deduction of the amount valued for the dwelling house,—	
	(i) upto rupees five lakhs	One hundred rupees
	(ii) above rupees five lakhs and upto rupees twenty lakhs	Two hundred and fifty rupees
	(iii) above rupees twenty lakhs and upto rupees fifty lakhs	Five hundred rupees
	(iv) above rupees fifty lakhs and upto rupees one crore	One thousand rupees
	(v) above rupees one crore	Two thousand and five hundred rupees
17. (a) Complaints filed under section 138 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881)- When the amount of dishonoured cheque involved in the complaint,—		
	(i) upto rupees fifty thousand	Two hundred and fifty rupees
	(ii) above rupees fifty thousand and upto rupees two lakhs	Five hundred rupees
	(iii) above rupees two lakhs and upto rupees five lakhs	Seven hundred and fifty rupees

(1)	(2)	(3)
	(iv) above rupees five lakhs and upto rupees ten lakhs	One thousand rupees
	(v) above rupees ten lakhs and upto rupees twenty lakhs	Two thousand rupees
	(vi) above rupees twenty lakhs and upto rupees fifty lakhs	Five thousand rupees
	(vii) above rupees fifty lakhs	Ten thousand rupees
	(b) Appeal filed against judgment in section 138 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881),—	
	(i) When an appeal filed, on getting leave under clause (b) of sub-section (2) of section 419 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (Central Act 46 of 2023) before the High Court at the instance of the complainant against the order of acquittal	Five hundred rupees for cheque upto rupees two lakhs and one thousand rupees for cheques above rupees two lakhs
	(ii) When filed at the instance of accused against conviction before the Sessions Court	Five hundred rupees for cheque upto rupees two lakhs and one thousand rupees for cheques above rupees two lakhs
	(c) Revision filed against judgment in section 138 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881),—	
	(i) At the instance of the complainant challenging insufficiency of sentence before the High Court	Five hundred rupees for cheque upto rupees two lakhs and one thousand rupees for cheques above rupees two lakhs

(1)	(2)	(3)
	(ii) When filed at the instance of accused against conviction before the Sessions Court	Five hundred rupees for cheque upto rupees two lakhs and one thousand rupees for cheques above rupees two lakhs
18.	(a) Anticipatory bail applications filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023),—	
	(i) application for anticipatory bail before High Court;	Five hundred rupees per petitioner and for each subsequent petition half of the same
	(ii) application for anticipatory bail before Court of Sessions	Two hundred and fifty rupees per petitioner and for each subsequent petition half of the same
	(b) Application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023),—	
	(i) application for bail filed before High Court, otherwise than in custody;	Five hundred rupees per petitioner
	(ii) application for bail filed before Court of Sessions, otherwise than in custody	Two hundred rupees per petitioner
	(c) application for bail filed when a person appears before a court other than High Court or Court of Sessions under section 480 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)	Fifty rupees per petitioner subject to maximum of two hundred and fifty rupees

3. *Amendment of Act 13 of 1961.*—In the Kerala Land Tax Act, 1961 (13 of 1961), in section 6, for the table under sub-section (1), the following table shall be substituted, namely:—

“TABLE

Sl. No.	Area	Extent	Rate
1	Panchayat Area	Up to 8.1 Ares	Rs. 7.50 per Are per annum
		Above 8.1 Ares	Rs. 12 per Are per annum
2	Municipal Council Area	Up to 2.43 Ares	Rs. 15 per Are per annum
		Above 2.43 Ares	Rs. 22.50 per Are per annum
3	Municipal Corporation Area	Up to 1.62 Ares	Rs. 30 per Are per annum
		Above 1.62 Ares	Rs. 45 per Are per annum

4. *Amendment of Act 15 of 1963.*—In the Kerala General Sales Tax Act, 1963 (15 of 1963),—

(1) in section 2,—

(a) for clause (xii), the following clause shall be deemed to be substituted, with effect from 1st July, 2017, namely:—

“(xii) “goods” means

i. petroleum crude;

- ii. high-speed diesel;
- iii. motor spirit (commonly known as petrol);
- iv. Aviation turbine fuel; and
- v. alcoholic liquor for human consumption;”;

(b) clause (xvB) and clause (xxiib) shall be omitted.

(2) in section 14, sub-section (5) shall be omitted;

(3) in section 17D, in sub-section (2), in clause (e), in sub-clause (i), the words, figure and letter “or section 29A” shall be omitted;

(4) for section 23B, the following section shall be substituted, namely:—

“23B. *Reduction of arrears in certain cases.*—(1) Notwithstanding anything contained in this Act or rules made thereunder or in any judgment, decree or order of any court, tribunal or appellate authority, any assessee, who is in arrears of tax, interest or penalty payable under the provisions of clause (b) of sub-section (1) and sub-section (2) of section 5 or section 7 of the Act may opt to settle the arrears in any of the assesment orders pertaining to the period from 1st April, 2005 to 31st March, 2021 on payment of principal amount of the tax and cess along with fifty percentage of interest in arrears as on the date of application and on such payment, penalty and the balance fifty percentage of the interest shall stand waived off:

Provided that in case where the evidence, details and records pertaining to the penalty levied is not utilized or not liable to be utilized for any best judgment assessment under this Act, the demand relating to such penalty shall be settled under this section on payment of applicable tax relating to such penalty along with fifty percentage of the interest applicable on such tax as on the date of application:

Provided further that on settlement of arrears pertaining to any of the financial year belonging to the aforementioned period, if no other sales tax or turnover tax remains to be settled in that particular year, then all the penalties pertaining to that year other than the penalty mentioned in the first proviso shall be deemed to be settled under sub-section (1).

(2) Any assessee who intends to opt for settlement of arrears under sub-section (1) shall, on or before 30th June, 2025 submit an application before the assessing authority, in such form and in such manner as may be prescribed, accompanied with proof of payment of the amount made as per sub-section (1) through e-treasury portal.

(3) Separate application shall be filed for settling the arrears pertaining to each assessment order.

(4) The assessee shall withdraw all the cases pending before any appellate, revisional authority or tribunal under the Act or courts for opting to settle the arrears as per sub-section (1) and shall file the application accompanied by a copy of leave to withdraw granted by the authority or tribunal or court, as the case may be:

Provided that the cases wherein the appeal filed by the Government is pending before any authority or tribunal under the Act or any courts may also be settled under this sub-section by making payment of the tax as per the demand in the original assessment order along with fifty percentage of the applicable interest as on the date of application. The assessing authority shall, on receipt of such application, seek for an adjournment of the cases to the appellate, revisional authority or tribunal under the Act or court until intimation regarding disposal of such cases and on settlement of such cases as per the demand in the original order, Government shall withdraw such appeals forthwith.

(5) The assessing authority on receipt of the application with proof of payment shall verify the correctness of the application and the payment made and discrepancies, if any, shall be intimated to the assessee within one month in such form and in such manner as may be prescribed.

(6) The discrepancies under sub-section (5) shall be rectified by the assessee within a period of one month of receipt of the intimation in such manner as may be prescribed:

Provided that no opportunity for rectification shall be granted more than once.

(7) On settlement of the arrears pending as on the date of making payment of the amount specified under sub-section (1), the assessing authority shall issue an order of settlement within a period of one month in such manner as may be prescribed.

(8) Subject to the provisions of section 55C, if an assessee who opts to settle his arrears under sub-section (1) has remitted or deposited any amount towards the arrears under this Act after the service of demand notice, such amounts shall be given credit as tax and interest and the assessee shall furnish the proof of payments made in this regard.

(9) Notwithstanding anything contained in the Kerala Revenue Recovery Act, 1968 (15 of 1968) reduction of arrears under sub-section (1) shall be applicable to those cases in which revenue recovery proceedings have been initiated and the assessing authorities shall have the power to collect such amounts on settlement under sub-section (1) and where the amount is settled under sub-section (1) the revenue recovery proceedings against such assessee shall be deemed to have withdrawn on the 1st day of April, 2025 which shall then be binding on the revenue authorities, and such assessee shall not be liable for payment of any collection charge leviable by such revenue authorities.

(10) Assessee who opted to settle their arrears under this section during previous years, but had failed to make payments may also opt to settle their cases under this section, and the amounts, if any, paid earlier, after the service of the demand notice, shall be given credit as tax and interest subject to the provisions of section 55C and the assessee shall furnish the proof of payments made in this regard.

(11) Notwithstanding anything contained in this Act, or in any judgment, decree or order of any court, tribunal or appellate authority, there shall not be any refund or any adjustment subsequently for the amount settled under this section, under any circumstances.

(5) after section 23BA, the following sections shall be inserted, namely:—

“23BB. *Distillery Arrear Settlement Scheme, 2025.*—(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

turnover tax payable under sub-clause (b) of clause (i) of sub-section (2) of section 5 of the Act pertaining to the tax period from 1st June, 2022 to 30th November, 2022 may opt to settle the arrears pending as on 1st day of April, 2025 on payment of the turnover tax payable and on such payment, the interest and penalty shall stand waived off:

Provided that in case where the evidence, details and records pertaining to the penalty levied for the said period is not utilized or not liable to be utilized for any best judgment assessment under this Act, the demand relating to such penalty shall be settled under this scheme on payment of applicable turnover tax relating to the penalty as determined by the assessing authority:

Provided further that on settlement of arrears pertaining to the aforementioned period, if no other turnover tax or sales tax remains to be settled, then all the penalties pertaining to the period other than the penalty mentioned in the first proviso shall be deemed to be settled under the scheme.

(2) Any assessee who intends to opt for settlement of arrears under the scheme shall make payment of the amount due as on the 1st day of April, 2025 electronically through e-treasury portal and proof of such payment shall be produced before the assessing authority on or before 30th June, 2025.

(3) The assessing authority on receipt of the proof of payment shall verify the correctness of the payment and short-payment, if any, shall be intimated to the assessee within one month of receipt of the proof of payment.

(4) The short-payment, if any, intimated as per sub-section (3) shall be remitted by the assessee within 15 days of receipt of the intimation:

Provided that no opportunity for payment of the short paid amount shall be granted more than once.

(5) The assessing authority on receipt of the proof of payment as per sub-sections (3) and (4) shall verify the correctness of the payment and if the payment is complete as per the provisions of this scheme, an order of settlement in writing shall be issued within one month of receipt of such payment.

(6) The assessee who opts to settle his arrears under the scheme shall withdraw all the cases pending before any appellate or revisional authority, tribunal under the Act or courts and a copy of leave to withdraw granted by the appellate, revisional authorities or courts, as the case may be, shall also be, produced along with the proof of payment before the assessing authority:

Provided that the cases wherein the appeal filed by the Government is pending before any appellate or revisional authority, tribunal under the Act or any courts may also be settled under the scheme by making payment of the demand in the original assessment order. The assessing authority shall, on receipt of such payment as per sub-section (2), seek for an adjournment of the cases to the appellate or revisional authority, tribunal under the Act or any courts, as the case may be, until intimation regarding disposal of such cases and on settlement of such cases, as per the demand in the original order, Government shall withdraw such appeals forthwith.

(7) Notwithstanding anything contained in section 55C, if an assessee who opts to settle his arrears under sub-section (1) has remitted or deposited any amount towards the arrears under this Act after the service of demand notice, such amounts shall be given credit as tax and the assessee shall furnish the proof of payments made in this regard.

(8) Notwithstanding anything contained in the Kerala Revenue Recovery Act, 1968 (15 of 1968), reduction of arrears under sub-section (1) shall be applicable to those case in which revenue recovery proceedings have been initiated and the assessing authorities shall have the power to collect such amounts on settlement under sub-section (1) and where the amount is settled under sub-section (1) the revenue recovery proceedings against such assessee shall be deemed to have withdrawn on the 1st day of April, 2025 which shall then be binding on the revenue authorities, and such assessee shall not be liable for payment of any collection charge leviable by such revenue authorities.

(9) Notwithstanding anything contained in this Act, or in any judgment, decree or order of any court, tribunal or appellate authority, there shall not be any refund or any adjustment subsequently for the amount settled under this scheme, under any circumstances.

23BC. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to any of the provisions of sections 23B and 23BB, the Commissioner of State Tax may, by order, not inconsistent with the provisions of the aforementioned section or sections, remove such difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date of commencement of the said sections.

(2) Every order issued under sub-section (1) shall be laid before the Legislative Assembly by the Government.”;

(6) in section 29,—

(a) in the marginal heading, the words “and inspection of goods in transit” shall be omitted;

(b) sub-sections (2), (2A), (3), (4), (5) and (6) shall be omitted;

(7) for section 29A, the following section shall be substituted, namely:—

“29A. *Inspection of goods in transit or storage.*—(1) Any person in charge of a conveyance carrying any consignment of goods or in charge of goods stored as part of transit or otherwise shall be accompanied by such documents as may be prescribed.

(2) The Commissioner of State Tax shall be empowered to specify by notification the additional conditions for carrying goods in transit or for storage of goods while in transit or otherwise, and the documents to accompany such goods

(3) Where any person transports consignment of goods or stores goods as part of transit or otherwise, an officer not below the rank of Assistant State Tax Officer may intercept or inspect such goods and require the person in charge to produce the document prescribed under sub-section (1) or (2) or both as the case may be. The person in charge shall be liable to produce the document and allow inspection of the goods.”;

(8) for section 30E, the following section shall be substituted, namely:—

“30E. *Confiscation of goods, conveyance or both.*—(1) Notwithstanding anything contained in this Act, any person who is found to be in charge of any goods in contravention of the provisions of sub-section (1) or (2) of section 29A, then all such goods and the conveyance, if any, used as a means of transport for carrying the said goods and related documents shall be liable to detention or seizure by an officer not below the rank of Assistant State Tax Officer, for verification.

(2) The officer on detaining or seizing the goods referred above for verification suspects that the owner or person in charge of the goods has violated the provisions of sub-section (1) or (2) of section 29A, a notice shall be issued to the person in charge of the goods or conveyance, as the case may be, within two days of the detention or seizure, in such manner as may be prescribed, informing him of the reason for the seizure and detention and shall provide an opportunity of being heard.

(3) If the owner or person in charge of the goods referred above proves the bonafide of the transport or storage of goods within three days of the seizure and detention, the authorized officer shall release the goods and the conveyance, if any.

(4) If the owner or person in charge of the goods fails to prove the bonafide of the transport or storage as per sub-section (3), all such goods or conveyance or both, as the case may be, shall be liable to confiscation by the officer referred to above and the owner or person in charge of the goods or conveyance or both, as the case may be, shall be liable to pay a penalty equal to double the amount of applicable tax and cess.

(5) Whenever confiscation of any goods or conveyance or both, as the case may be, is authorised by this Act, the officer shall give to the owner of the goods an option to pay in lieu of confiscation, such fine as the said officer thinks fit:

Provided that such fine leviable shall not exceed the market value of the goods confiscated:

Provided further that the aggregate of such fine and penalty leviable shall not be less than one third of the market value of the goods confiscated.

Explanation.—For the purpose of this section, the term “market value” shall be the full amount which any person is required to pay in order to purchase such goods from the retail outlet of such goods within the State.

(6) Whereas the conveyance detained, if any, is a carriage hired for transporting goods, the owner or the person in charge of the conveyance shall have the option to pay in lieu of confiscation of the conveyance, a fine equal to double the amount of tax and cess applicable on the goods being carried with or fifty thousand rupees, whichever is higher:

Provided that the conveyance shall be released on payment of such fine subject to the condition that the owner or person in charge of the conveyance shall make arrangements for safe storage of the goods carried with and also shall bear the cost for such storage.

(7) Wherein the owner or person in charge of the goods or conveyance or both, as the case may be, fails to prove the bonafide of the transport, the officer shall serve a notice to the owner or person in charge of the goods or conveyance or both intimating the reason for the confiscation of the goods or conveyance or both, in such form and in such manner as may be prescribed, within five days of detention or seizure as per sub-section (2).

(8) The owner or the person in charge of the goods or conveyance in lieu of confiscation may make payment of such fine mentioned in sub-section (5) within fifteen days of receipt of the notice referred to in sub-section (7).

(9) Wherein the owner or person in charge of the goods or conveyance seeks further time for payment of the fine as per sub-section (5), the officer in charge may grant a further time period not exceeding seven days.

(10) If the owner or person in charge of the goods or conveyance makes payment of the penalty referred to in sub-section (4) and the fine referred to in sub-section (5) within the period mentioned under sub-section (8) or (9), as the case may be, all the proceedings in respect of the notice specified in sub-section (7) shall be deemed to be concluded.

(11) If the owner or person in charge of the goods or conveyance fails to remit the penalty referred to in sub-section (4) and the fine referred to in sub-section (5), within the period mentioned under sub-section (8) or (9), as the case may be, the officer shall issue an order, in such form and manner, finalising the confiscation of the goods or conveyance or both, as the case may be, within forty five days of issuance of the notice referred to in sub-section (7).

(12) The officer adjudging the confiscation shall take and hold possession of the goods or conveyance or both and every officer of Police, on the requisition of such proper officer, shall assist him in taking and holding such possession.

(13) Where an order of confiscation under this section has become final in respect of any goods and/or conveyance or both, as the case may be, the goods or conveyance or both so confiscated shall be liable to be sold or disposed off otherwise to recover the penalty payable under sub-section (4) in such manner as may be prescribed.

(14) Notwithstanding anything contained in the Act or rules made thereunder, where the confiscated goods are perishable, hazardous, or explosive in nature, the officer shall reduce the period of finalisation of confiscation and dispose off the said goods within such reduced time period.

Explanation.—For the purpose of this section, “conveyance” includes a vessel or a vehicle”;

(9) section 30F shall be omitted;

(10) section 31 shall be omitted;

(11) in section 34, in sub-section (1),—

(i) the word and symbol “,section 29” shall be omitted;

(ii) after the words, figure and letter “or section 30A”, the symbol, words, figure and letter, “, or section 30E” shall be inserted;

(12) section 45B shall be omitted;

(13) after section 57, the following section shall be inserted, namely:—

“57A. *Power of Commissioner of State Tax to issue instruction.*—Subject to the provisions of the Act, the Commissioner of State Tax may, from time to time, issue instructions and directions as he may deem fit for the implementation of this Act in a unified manner.”.

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

(1) in the schedule,—

(a) in serial number 1, in column (3), for the figures and symbol “45.00”, the figures and symbol “ 68.00” shall be substituted;

(b) in serial number 2, in column (3), for the figures and symbol “45.00”, the figures and symbol “68.00” shall be substituted;

(c) in serial number 7,—

(i) in item (i),—

(ia) for sub-item (d) and the entries against it in column (2) and (3), the following sub-items and entries shall respectively be substituted, namely:—

“(d) Vehicles permitted to operate within the State.

(i) Contract carriages permitted to carry more than 6 passengers, but not more than 12 passengers-for every passenger seat.	350.00
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(ii) Contract carriages permitted to carry more than 12 passengers, but not more than 20 passengers – for every passenger seat.	600.00
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(iii) Contract carriages permitted to carry more than 20 passengers – for every passenger seat.	900.00
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(iv) Contract carriages coming under the category heavy passenger vehicles under sub-section (17) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and having sleeper berth - for every berth.	1500.00
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(ib) in sub-item (f),—

(a) for clause (i) and (ii) and the entries against it in column (2) and (3), the following clause and entries shall respectively be substituted, namely:—

“(i) Contract carriages with ordinary or push back seats permitted to carry more than 6 passengers - for every passenger seat.	2500.00”;
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(b) the existing clause (iii) shall be renumbered as clause (ii).

(ii) in item (iii), in sub-items (a), (b), (c) and (d) and the entries against it in column (3), for the figures and symbols “540.00”, “620.00”, “190.00”, “140.00”, the figures and symbols “490.00”, “560.00”, “170.00”, “130.00” shall respectively be substituted;

(iii) in item (iv), in sub-items (a), (b) and (c) and the entries against it in column (3), for the figures “1050”, “890”, “1140”, the figures “950”, “800”, “1030” shall respectively be substituted;

(d) in serial number 11, in clause (i), in sub- clauses (a), (b) and (c) and the entries against it in column (3), for the figures and symbols “320.00”, “430.00”, “530.00”, the figures and symbols “480.00”, “645.00”, “795.00” shall respectively be substituted;

(2) in Annexure, —

(a) in Annexure- I, for serial number 7B and the entries against it in column (2) and (3), the following serial numbers and entries shall respectively be substituted, namely:—

“7B.	Electric motor cycles and electric wheeled vehicles for personal use	three	5% of the purchase value of the vehicle
7C.	Electric motor cars and electric private service vehicles for personal use having purchase value up to fifteen lakhs	private	5% of the purchase value of the vehicle
7D.	Electric motor cars and electric private service vehicles for personal use having purchase value more than fifteen lakhs and up to twenty lakhs	private	8% of the purchase value of the vehicle
7E.	Electric motor cars and electric private service vehicles for personal use having purchase value more than twenty lakhs.	private	10% of the purchase value of the vehicle

- 7F. Electric cars and electric private service vehicles for personal use with Battery purchase value of renting/Leasing facility the vehicle.”. 10% of the

Explanation.—Batteries Renting/Leasing facility means, Purchase of vehicle by excluding the cost of battery and pay for battery by way of pay-per kilometre usage or any such other method.

(b) in ANNEXURE– II, in serial numbers A, B, F, G and H and the entries against it in column (3), for the figures “900”, “900”, “6400”, “8600”, “10600”, the following figures “1350”, “1350”, “9600”, “12900”, “15900” shall respectively be substituted.

6. *Amendment of Act 20 of 2017.*—In the Kerala State Goods and Services Tax Act, 2017 (20 of 2017),—

(1) in section 2,—

(i) in clause (61), after the word and figure “section 9”, the words, brackets and figures “of this Act or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Service Tax Act, 2017” shall be inserted with effect from the 1st day of April, 2025;

(ii) in clause (69),—

(a) in sub-clause (c), after the words “management of a municipal”, the word “fund” shall be inserted;

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

“Explanation.—For the purposes of this sub-clause—

(a) “local fund” means any fund under the control or management of an authority of a local self-government established for discharging civic functions in relation to a Panchayat area and vested by law with the powers to levy, collect and appropriate any tax, duty, toll, cess or fee, by whatever name called;

(b) “municipal fund” means any fund under the control or management of an authority of a local self-government established for discharging civic functions in relation to a Metropolitan area or Municipal area and vested by law with the powers to levy, collect and appropriate any tax, duty, toll, cess or fee, by whatever name called.”;

(iii) after clause (116), the following clause shall be inserted, namely:—

“(116A) “unique identification marking” means the unique identification marking referred to in clause (b) of sub-section (2) of section 148A and includes a digital stamp, digital mark or any other similar marking, which is unique, secure and non removable;”;

(2) in section 12, sub-section (4) shall be omitted;

(3) in section 13, sub-section (4) shall be omitted;

(4) in section 17, in sub-section (5), in clause (d),—

(i) for the words “plant or machinery”, the words “plant and machinery” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 2017;

(ii) the existing Explanation shall be numbered as Explanation 1 thereof, and after Explanation 1 as so numbered, the following Explanation shall be inserted, namely:—

“Explanation 2.—For the purposes of clause (d), it is hereby clarified that notwithstanding anything to the contrary contained in any judgment, decree or order of any court, tribunal, or other authority, any reference to “plant or machinery” shall be construed and shall always be deemed to have been construed as a reference to “plant and machinery.”;

(5) in section 20, with effect from the 1st day of April, 2025,—

(i) in sub-section (1), after the word and figure “section 9”, the words, brackets and figures “of this Act or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Services Tax Act, 2017” shall be inserted

(ii) in sub-section (2), after the word and figure “section 9”, the words, brackets and figures “of this Act or under sub- section (3) or sub-section (4) of section 5 of the Integrated Goods and Services Tax Act, 2017,” shall be inserted.

(6) in section 22, in sub-section (4), after the words “such order of the High Court”, the words “or Tribunal” shall be inserted;

(7) in section 34, in sub-section (2), for the proviso, the following proviso shall be substituted, namely:—

“Provided that no reduction in output tax liability of the supplier shall be permitted, if the—

(i) input tax credit as is attributable to such a credit note, if availed, has not been reversed by the recipient, where such recipient is a registered person; or

(ii) incidence of tax on such supply has been passed on to any other person, in other cases.”;

(8) in section 38,—

(i) in sub-section (1), for the words “an auto-generated statement”, the words “a statement” shall be substituted;

(ii) in sub-section (2),—

(a) for the words “auto-generated statement under”, the words “statement referred in” shall be substituted;

(b) in clause (a), the word “and” shall be omitted;

(c) in clause (b),—

(i) after the words “by the recipient,”, the word “including” shall be inserted;

(ii) in item (vi) for the words and symbol “prescribed;” the words and symbol “prescribed;and ” shall be substituted;

d) after clause (b), the following clause shall be inserted, namely:—

“(c) such other details as may be prescribed.”;

(9) in section 39, in sub-section (1), for the words “and within such time”, the words “within such time, and subject to such conditions and restrictions” shall be substituted;

(10) in section 107, in sub-section (6), for the proviso, the following proviso shall be substituted, namely:—

“Provided that in case of any order demanding penalty without involving demand of any tax, no appeal shall be filed against such order unless a sum equal to ten per cent. of the said penalty has been paid by the appellant.”;

(11) in section 112, in sub-section (8), the following proviso shall be inserted, namely:—

“Provided that in case of any order demanding penalty without involving demand of any tax, no appeal shall be filed against such order unless a sum equal to ten per cent. of the said penalty, in addition to the amount payable under the proviso to sub-section (6) of section 107 has been paid by the appellant.”;

(12) after section 122A, the following section shall be inserted, namely:—

“122B. *Penalty for failure to comply with track and trace mechanism.*— Notwithstanding anything contained in this Act, where any person referred to in clause (b) of sub-section (1) of section 148A acts in contravention of the provisions of the said section, he shall, in addition to any penalty under Chapter XV or the provisions of this Chapter, be liable to pay a penalty equal to an amount of one lakh rupees or ten per cent. of the tax payable on such goods, whichever is higher.”;

(13) after section 148, the following section shall be inserted, namely:—

“148A. *Track and trace mechanism for certain goods.*—(1) The Government may, on the recommendations of the Council, by notification, specify,—

(a) the goods;

(b) persons or class of persons who are in possession or deal with such goods;

to which the provisions of this section shall apply.

(2) The Government may, in respect of the goods referred to in clause (a) of sub-section (1),—

(a) provide a system for enabling affixation of unique identification marking and for electronic storage and access of information contained therein, through such persons, as may be prescribed; and

(b) prescribe the unique identification marking for such goods, including the information to be recorded therein.

(3) The persons referred to in sub-section (1), shall,—

(a) affix on the said goods or packages thereof, a unique identification marking, containing such information and in such manner;

(b) furnish such information and details within such time and maintain such records or documents, in such form and manner;

(c) furnish details of the machinery installed in the place of business of manufacture of such goods, including the identification, capacity, duration of operation and such other details or information, within such time and in such form and manner;

(d) pay such amount in relation to the system referred to in sub-section (2), as may be prescribed.”;

(14) in schedule III.—,

(i) in paragraph 8, after clause (a), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017, namely:—

“(aa) Supply of goods warehoused in a Special Economic Zone or in a Free Trade Warehousing Zone to any person before clearance for exports or to the Domestic Tariff Area;”;

(ii) in Explanation 2, after the words “For the purposes of”, the words, brackets and letter “clause (a) of” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017;

(iii) after Explanation 2, the following Explanation shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017, namely:—

“*Explanation 3.*—For the purposes of clause (aa) of paragraph 8, the expressions “Special Economic Zone”, “Free Trade Warehousing Zone” and “Domestic Tariff Area” shall have the same meanings respectively as assigned to them in section 2 of the Special Economic Zones Act, 2005 (Central Act 28 of 2005).”.

(15) *No refund of tax collected.*—No refund shall be made of all such tax which has been collected, but which would not have been so collected, had sub-section (14) of section 6 been in force at all material times.

7. *Amendment of Act 18 of 2024.*—In the Kerala Finance Act, 2024 (18 of 2024),—

(1) in section 11, in sub-section (2), after the proviso, the following provisos shall be inserted, namely:—

“Provided further that, where an assessee who was in arrears of tax or any other amount due under the Kerala Tax on Luxuries Act, 1976 (Act 32 of 1976) had opted for the settlement under section 12 of the Kerala Finance Act, 2019

(Act 5 of 2019) during previous years, but failed to settle the arrears within the period specified under sub-section (7) of section 12 of the Kerala Finance Act, 2019 (Act 5 of 2019), the amount, if any, paid under the said section, after service of specified order, shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard:

Provided also that, where an assessee who was in arrears of tax or any other amount due under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) or the Kerala Value Added Tax Act, 2003 (30 of 2004) had opted for settlement under section 10 of the Kerala Finance Act, 2020 (7 of 2020) during previous years, but failed to settle the arrears within the period specified under sub-section (7) of section 10 of the Kerala Finance Act, 2020 (7 of 2020), the amount, if any, paid, after service of specified order, under the said section shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard:

Provided also that, where an assessee who was in arrears of tax or any other amount due under the Kerala Value Added Tax Act, 2003 (30 of 2004) had opted for settlement under section 11 of the Kerala Finance Act, 2020 (7 of 2020) during previous years, but failed to settle the arrears within the period specified under sub-section (5) of section 11 of the Kerala Finance Act, 2020 (7 of 2020), the amount, if any, paid under the said section, after service of specified order, shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard.”;

(2) in section 12, in the second proviso, after the words “pertaining to a year under a relevant Act”, the words and symbols “or no tax or taxes/surcharge remains to be settled in a year” shall be inserted.

CHAPTER III

GENERAL AMNESTY SCHEME, 2025

8. *Definitions.*—(1) In this Chapter, unless the context otherwise requires,—

(a) “admitted tax” means the arrears of tax or surcharge payable as per the returns, books of accounts, tax or surcharge assessed by the assessing authority under the relevant Act, but does not include disputed tax or disputed surcharge:

Provided that in the case where the evidence, details and records pertaining to the penalty levied under the relevant Act are not utilised or not liable to be utilised for any best judgement assessment under the relevant Act, the tax or surcharge demand relating to such penalty shall be deemed to be the admitted tax, but does not include disputed tax or disputed surcharge;

(b) “amount payable” means the amount payable by an applicant for settling the arrears of tax, surcharge, interest, or penalty under the provisions of this scheme;

(c) “amount waived” means the amount that is not required to be paid by an applicant, and has been forgone from being arrears of tax, surcharge, interest, or penalty by the Government as a part of settling the arrears of tax, interest, surcharge or penalty under the provisions of this scheme;

(d) “applicant” means a dealer or any person who is liable to pay tax, surcharge, penalty or interest under the relevant Act;

(e) (i) “arrears of tax or surcharge” means the tax or surcharge payable by an applicant under the relevant Act in a specified order, pertaining to the assessment years up to 2017-2018, for which assessment or reassessment has been made under the relevant Act and pending collection on the date of filing of the application under this scheme;

(ii) “arrear of interest” means the interest payable by an applicant under the relevant Act in a specified order, pertaining to the assessment years up to 2017-2018, for which assessment or reassessment has been made under the relevant Act and pending collection on the date of filing of the application under this scheme;

(iii) “arrear of penalty” means the penalty payable by an applicant under the relevant Act in a specified order, pertaining to the assessment years up to 2017-2018, for which assessment or reassessment has been made under the relevant Act and pending collection on the date of filing of application under this scheme:

Provided that in the case where the evidence, details and records pertaining to the penalty levied under the relevant Act are not utilized or not liable to be utilized for any best judgment assessment under the relevant Act, the tax or surcharge demand relating to such penalty shall be deemed to be the arrears of tax or surcharge:

Provided further that any amount on which stay has been granted by any authority, tribunal or court, as on the date of commencement of this scheme shall also be treated as an amount pending collection.

Explanation I.—For the purpose of this scheme, the term “reassessment” shall include the fresh assessment of remanded cases, modification of assessment orders and rectification of assessment orders under the relevant Act.

Explanation II.—The tax, surcharge, interest and penalty amount as per the demand notice shall be treated as the amount pending collection even if the applicant has made payment or deposit in part, if any, after the service of the demand notice.

Illustration I:

- *The show cause notice to an applicant was for an amount of tax/surcharge of Rs.1000 and an amount of penalty of Rs.100.*
- *The order was for an amount of tax/surcharge of Rs.1000 and an amount of penalty of Rs.100.*
- *The applicant files an appeal against this order.*
- *The arrears of tax or surcharge in this case is Rs.1000.*

Illustration II:

- *The show cause notice to an applicant was for an amount of tax/surcharge of Rs.1000 and an amount of penalty of Rs.100.*
- *The order was for an amount of tax/surcharge of Rs.900 and a penalty of Rs. 90.*
- *The applicant files an appeal against this order.*
- *The arrears of tax or surcharge in this case is Rs.900.*

Illustration III:

- *The show cause notice to an applicant was for an amount of tax/surcharge of Rs. 1000 and an amount of penalty of Rs. 500.*
- *The order was for an amount of tax/surcharge of Rs. 1000 and a penalty of Rs. 500.*
- *After reassessment, the amount of tax/surcharge becomes Rs. 800 and the penalty becomes Rs. 300. A payment for an amount of Rs. 500 towards tax/surcharge and an amount of Rs. 200 towards penalty was made after reassessment.*
- *The arrears of tax or surcharge in this case is Rs. 800 and the arrears of penalty is Rs. 300;*

(f) "certificate of settlement" means a certificate issued under this scheme for settlement of arrears of tax, surcharge, interest, or penalty in a specified order under the relevant Act;

(g) "Commissioner of State Tax" means the Commissioner of State Tax under the Kerala State Goods and Services Tax Act, 2017 (20 of 2017);

(h) "designated authority" means an authority appointed under section 9 of this scheme;

(i) "disputed tax" means the arrears of tax or surcharge against which appeal, revision or review is pending before any authority, tribunal or court, as on the date of commencement of the scheme:

Provided that in the case where the evidence, details and records pertaining to the penalty levied are not utilised or not liable to be utilised for any best judgement assessment under the relevant Act, and against the imposition of such penalty, an appeal, revision or review is pending before any authority, tribunal or court, as on the date of commencement of the scheme, the tax or surcharge demand relating to such penalty shall be deemed to be the disputed tax or disputed surcharge;

(j) "Government" means the Government of Kerala;

(k) "interest accrued at the time of payment" means the amount of interest, which is not specified in the order, but has accrued in the intervening period between the date of order and the date of final settlement of the arrear;

(l) "notification" means notification published in the Official Gazette of the Government;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "relevant Act" means,—

(i) the Kerala Surcharge on Taxes Act, 1957 (11 of 1957),

(ii) the Kerala General Sales Tax Act, 1963 (15 of 1963),

(iii) the repealed Kerala Tax on Luxuries Act, 1976 (32 of 1976),

(iv) the repealed Kerala Agricultural Income Tax Act, 1991 (15 of 1991),

(v) the repealed Kerala Value Added Tax Act, 2003 (30 of 2004),

(vi) the Central Sales Tax Act, 1956 (Central Act 74 of 1956)

(o) "scheme or General Amnesy Scheme, 2025" means the scheme under this Chapter;

(p) "specified order" means any order raising demand of tax, surcharge, interest or penalty under the relevant Act.

(2) Words and expressions not defined in this Chapter, but defined in the relevant Act, shall have the same meaning as assigned to them in those Acts.

9. *Designated authority.*—For carrying out the purposes of this scheme, the Commissioner of State Tax may, by an order, appoint one or more officers or a committee of officers referred to in section 3 of the Kerala State Goods and Services Tax Act, 2017 (20 of 2017) to be the designated authority and such authority shall exercise jurisdiction over such area or areas as the Commissioner of State Tax may specify:

Provided that in cases of difference of opinion among the members of the designated authority regarding any decision or order, the majority opinion shall prevail.

10. *Eligibility for settlement.*—(1) Subject to the other provisions of this scheme, an applicant is eligible to make an application for settlement of arrears of tax, surcharge, interest, or penalty pertaining to the assessment years up to 2017-2018, against which an appeal, revision or review is not pending before any authority or tribunal under the relevant Act, or any court on the date of filing of application:

Provided that in cases where any appeal, revision or review, is pending before any authority or tribunal under the relevant Act or any court on the date of commencement of this scheme, application for settlement of arrears shall be made along with a copy of leave to withdraw granted by the authority or tribunal or court, as the case may be:

Provided further that in cases where any appeal filed by the Government is pending before any authority, tribunal under the relevant Act or court on the date of commencement of this scheme, application for settlement of arrears under this scheme shall be made treating the amount in the original specified order as the arrears of tax, surcharge, interest or penalty.

(2) Notwithstanding anything contained in this scheme, the provisions of this scheme shall not be applicable to any arrears of tax, interest or penalty payable by a dealer under the provisions of clause (b) of sub-section (1) and sub-section (2) of section 5 or section 7 of the Kerala General Sales Tax Act, 1963 (15 of 1963).

11. *Application for settlement.*—(1) An application for the purpose of section 10 shall be made to the designated authority within three months from 1st day of April, 2025 in such form and in such manner, as may be prescribed along with proof of payment of the amount at the rates specified in section 13.

(2) Any person who is awaiting modification of orders shall be eligible to apply under sub-section (1) without making any payment, and the amount payable in those cases shall be paid within 30 days of issuance of such modified orders.

(3) A separate application shall be made for each specified order.

12. *Determination of the amount payable by the applicant.*—(1) The designated authority shall verify the correctness of the particulars furnished in the application made under section 11 with reference to all relevant records and determine the amount payable at the rates and in such manner, as specified in section 13 read with section 11.

(2) The designated authority shall demand the amount short paid by the applicant with reference to the amount in sub-sections (1), (2) and (3) of section 11 in such form and manner as may be prescribed.

(3) The demand under sub-section (2) shall be paid within thirty days of receipt of the form referred to in sub-section (2) by the applicant.

(4) The amount determined under the provisions of this section shall be rounded off to the nearest rupee and, for this purpose, where such amount contains

a part of a rupee, and, if such part is fifty paise or more, it shall be rounded off to the nearest rupee, and if such part is less than fifty paise, it shall be ignored.

13. *Rate applicable in determining the amount payable.*—(1) The amount payable by the applicant and the amount waived shall be determined as follows:—

(a) where the arrears of tax or surcharge in a specified order is above rupees fifty thousand and up to rupees ten lakh on the date of application referred to in sub-section (1) of section 11, the amount payable shall be thirty percentage of such arrears of tax or surcharge, and on payment of the amount payable by the applicant, the remaining arrears of tax, surcharge, interest or penalty payable under that specified order shall be the amount waived;

(b) where the arrears of tax or surcharge in a specified order is above rupees ten lakh and up to rupees one crore on the date of application for the settlement under this scheme,—

(i) the amount payable by the applicant for the settlement of the admitted tax shall be fifty percentage of the arrears of tax or surcharge, and on payment of such amount, the remaining arrears of tax, surcharge, interest or penalty payable under the relevant Act shall be the amount waived;

(ii) the amount payable by the applicant for the settlement of the disputed tax shall be forty percentage of the arrears of tax or surcharge, and on payment of such amount, the remaining arrears of tax, surcharge, interest or penalty payable under the relevant Act shall be the amount waived;

(c) where the arrears of tax or surcharge in a specified order is above rupees one crore on the date of application for the settlement under this scheme,

(i) the amount payable by the applicant for the settlement of the admitted tax shall be sixty percentage of the arrears of tax or surcharge, and on payment of such amount, the remaining arrears of tax, surcharge, interest or penalty payable under the relevant Act shall be the amount waived;

(ii) the amount payable by the applicant for the settlement of the disputed tax shall be fifty percentage of the arrears of tax or surcharge, and on payment of such amount, the remaining arrears of tax, surcharge, interest or penalty payable under the relevant Act shall be the amount waived:

Provided that, in the case where the evidence, details and records pertaining to the penalty levied are not utilized or not liable to be utilized for any best judgment assessment under the relevant Act, the tax or surcharge demand relating to such penalty shall be deemed to be the arrears of tax or surcharge, and the amount payable shall be calculated accordingly.

(2) Notwithstanding anything contained in this scheme, if an applicant has remitted or deposited any amount towards the demand in the specified order, or if any amount or its equivalent has been recovered as part of arrear recovery towards the demand in the specified order, such amount already received by the Government shall be deducted from the amount payable, and the applicant shall, along with the application, furnish the proof of payments made in this regard:

Provided that any amount paid towards the penalty or interest shall be given credit towards the amount payable:

Provided further that, where an assessee who was in arrears of tax or any other amount due under the Kerala Tax on Luxuries Act, 1976 (32 of 1976) had opted for the settlement under section 12 of the Kerala Finance Act, 2019 (5 of 2019) during previous years, but failed to settle the arrears within the period specified under sub-section (7) of section 12 of the Kerala Finance Act, 2019 (5 of 2019), the amount, if any, paid under the said section, after service of specified order, shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard:

Provided also that, where an assessee who was in arrears of tax or any other amount due under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) or the Kerala Value Added Tax Act, 2003 (30 of 2004) had opted for settlement under section 10 of the Kerala Finance Act, 2020 (7 of 2020) during previous years, but failed to settle the arrears within the period specified under sub-section (7) of section 10 of the Kerala Finance Act, 2020 (7 of 2020), the amount, if any, paid, after service of specified order, under the said section shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard:

Provided also that, where an assessee who was in arrears of tax or any other amount due under the Kerala Value Added Tax Act, 2003 (30 of 2004) had opted for settlement under section 11 of the Kerala Finance Act, 2020 (7 of 2020) during previous years, but failed to settle the arrears within the period specified under sub-section (5) of section 11 of the Kerala Finance Act, 2020 (7 of 2020), the amount, if any, paid under the said section, after service of specified order, shall be deducted from the amount payable. The applicant shall, along with the application, furnish the proof of payments made in this regard.

(3) Notwithstanding anything contained in the relevant Act, interest accrued at the time of payment of amount payable under this scheme, shall also stand waived.

14. *Total waiver of certain amounts.*—Notwithstanding anything contained in the relevant Act or this scheme, when the certificate of settlement has been issued in respect of all tax or taxes/surcharge pertaining to a year under a relevant Act or no tax or taxes/surcharge remains to be settled in a year, all the penalties imposed under such relevant Act pertaining to such year, other than the penalty referred to in the proviso to clause (a) of sub-section (1) of section 8, shall be deemed to be settled under this scheme.

15. *Restrictions.*—Notwithstanding anything contained in the relevant Act, no arrears of tax, surcharge, interest or penalty payable under this scheme shall be,—

- (a) paid through the input tax credit available under any law;
- (b) adjusted against any excess amount; or
- (c) refunded under any circumstances.

Illustration: A dealer has an arrear X of tax amounting to Rs 2 lakhs for a year, and an arrear Y of tax amounting to Rs 1 Lakh for another year. He has already paid Rs 1.5 Lakhs towards arrear X, but has not paid any amount towards arrear Y. The amount payable to settle the arrear X under the scheme is Rs 60,000. If the dealer applies for settlement under the scheme, the arrear X shall stand settled, but the amount in excess of Rs 60,000 which is already paid by the dealer, i.e., Rs 90,000 will not be eligible for consideration towards settling arrear Y.

16. *Settlement of arrears and issue of certificate.*—(1) The designated authority shall, on being satisfied with the payment of the amount determined under section 12, by an order, settle the arrears of tax, surcharge, interest or penalty and issue a certificate of settlement, in such form and manner as may be prescribed, and thereupon, the applicant shall be discharged from his liability to make payment of such arrears of tax, surcharge, interest or penalty. A separate certificate of settlement and order shall be issued in respect of each application:

Provided that in cases where a certificate of settlement is issued and the appeal filed by the Government is pending before any authority, tribunal or court, the Government shall withdraw the appeal forthwith.

(2) The designated authority may, at any time within ninety days from the date of issue of the certificate and order under sub-section (1), modify the certificate by rectifying any error apparent on the face of the record:

Provided that no such rectification adversely affecting the applicant shall be made without giving the applicant a reasonable opportunity to show cause against such rectification.

(3) In case the certificate is not issued under this scheme due to non-payment of amounts payable under the scheme, then any amount paid by the applicant as a part of this scheme shall be treated as a payment made towards the arrears in the specified order as per the provisions of the relevant Act.

17. *Refusal of settlement of arrears.*—The designated authority on receipt of the application referred to in section 11 may, for reasons other than short payment of amounts as required under the scheme, refuse to settle the arrears of tax, surcharge, interest or penalty, in such form and manner as may be prescribed:

Provided that no order under this section shall be passed without giving the applicant a reasonable opportunity to show cause against such refusal.

18. *Appeal.*—Any person aggrieved by a form issued under section 12 or by an order issued under sub-section (2) of section 16 or section 17 may prefer an appeal to an officer not below the rank of Joint Commissioner of State Tax as the Commissioner may, by notification, specify in this behalf. The said officer shall dispose of the appeal, either by,—

(i) confirming the order of the designated authority; or

(ii) by allowing the appeal of the applicant; or

(iii) by modifying the order of the designated authority; or

(iv) set aside the order of the designated authority and direct the designated authority to pass a fresh settlement order, after further enquiry:

Provided that in case the appeal of the applicant is allowed or the order of the designated authority is modified by the appellate authority under this section, the designated authority shall issue the certificate of settlement and order subject to payment of the amount payable:

Provided further that the time limit for making payment after the issuance of such order of the appellate authority shall be the time limit as applicable for the payment of the demand made under sub-section (3) of section 12 as if the appellate order or the modified order, as the case may be, is a payment demanded under sub-section (2) of section 12.

19. *Revision*.—(1) The Commissioner of State Tax may *suo moto* or upon information received by him, for reasons to be recorded in writing, at any time, within two years from the date of order, call for and examine any order passed under section 16 or section 18, to satisfy himself as to the correctness, legality or propriety of the order made or decision taken therein and if in any case, it appears to the Commissioner of State Tax that any such order or decision should be modified, annulled, reversed or remitted back for reconsideration, he may pass orders accordingly.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

20. *Bar on revenue recovery proceedings.*—Notwithstanding anything contained in the Kerala Revenue Recovery Act, 1968 (15 of 1968) waiver of arrears under section 13 and section 14 of this scheme shall be applicable to those cases in which revenue recovery proceedings have been initiated and the designated authorities shall have the power to collect such amounts towards amount payable and in cases where the designated authorities issued a certificate under section 16 or in cases where the arrears of tax, surcharge, interest or penalty are waived under section 14, the revenue recovery proceedings against such applicants shall be deemed to have withdrawn on the 1st day of April, 2025 which shall then be binding on the revenue authorities and such applicants shall not be liable for payment of any collection charge leviable by such revenue authorities.

21. *Bar on re-opening of settled cases.*— A certificate of settlement issued under section 16 shall be conclusive as to the settlement of arrears to which it relates, and no matter covered by such certificate of settlement shall be reopened in any proceeding of appeal, revision or review or in any other proceeding, under the relevant Act.

22. *Revocation of certificate.*—(1) Notwithstanding anything contained in section 21, where it appears to the designated authority that an applicant has obtained a certificate of settlement under sub-section (1) of section 16, by suppressing any material information or particulars or by furnishing any incorrect or false information or particulars, the designated authority, may, within a period of two years from the date of issue of the certificate, for reasons to be recorded in writing and after giving the applicant a reasonable opportunity of showing cause, revoke the certificate and the order.

(2) In the case of revocation of a certificate and the order under subsection (1), the amount paid by the applicant along with the application made under section 11 shall be treated as payment towards the arrears under the relevant Act for the relevant assessment year.

23. *Information to be sent to authorities under the relevant Act.*—The designated authority shall inform the assessing authority, appellate authority,

revisional authority or tribunal under the relevant Act or the Court, as the case may be, which for the time being, has jurisdiction over the applicant under the relevant Act,—

(a) the fact of making of an application by the applicant under section 11;

(b) the fact of passing of any order by the designated authority under section 16;

(c) the fact of rectification of any error on the face of any certificate under sub-section (2) of section 16;

(d) the fact of revision of any order under section 19;

(e) the fact of revocation of any certificate under section 22; and

(f) such other matters as it may deem necessary in such form, in such manner and within such time, as may be prescribed.

24. *Power of Commissioner of State Tax.*—Subject to the provisions of this scheme, the Commissioner of State Tax may, from time to time, issue instructions and directions as he may deem fit for carrying out the purposes of this scheme.

25. *Prohibition of disclosure of particulars produced before designated authorities.*—(1) All particulars contained in the application, statement made, records or documents produced under the provisions of this scheme or in any evidence given or affidavit or deposition made, in the course of any proceeding under this scheme or in any proceeding for the purposes of this scheme shall be treated as confidential and shall not be disclosed.

(2) Nothing contained in sub-section (1) shall apply to the disclosure of any such particulars,—

(a) for the purpose of investigation of, or prosecution for, an offence under this scheme, or under the Bharatiya Nyaya Sanhitha, 2023, (Central Act 45 of 2023) or under any other law for the time being in force; or

(b) to any person enforcing the provisions of this scheme where it is necessary to disclose the same to him for the purposes of this scheme; or

(c) by the lawful employment under this scheme of any process for the recovery of any demand; or

(d) to a civil court in any suit to which the Government are party and which relates to any matter arising out of any proceeding under this scheme; or

(e) lawful exercise by a public servant of his powers under the Kerala Stamp Act, 1959 (17 of 1959), to impound an insufficiently stamped document; or

(f) to an officer of-

(i) the Government of India; or

(ii) the Government of any State or Union Territory in India with which an arrangement for disclosure on a reciprocal basis has been entered into by the Government; or

(g) to an officer of any department of the Government other than the Kerala State Goods and Services Tax Department, after obtaining the permission of the Commissioner of State Tax:

Provided that such particulars shall be furnished under this sub-section only in exceptional cases and that any officer obtaining such particulars shall keep them as confidential and use them only in the lawful exercise of the powers conferred by or under any enactment.

(3) Nothing herein contained shall prevent the publication of the certificate of settlement or order of refusal of settlement in the prescribed manner.

26. *Protection of action taken in good faith.*—(1) No suit, prosecution or other proceedings shall lie against any officer or servant of the Government for any act done or purporting to be done under this scheme, without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this scheme.

27. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to any of the provisions of this scheme, the Commissioner of State Tax may, by order, not inconsistent with the provisions of this scheme, remove such difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date of commencement of the scheme.

(2) Every order issued under sub-section (1) shall be laid before the Legislative Assembly by the Government.

28. *Power to make rules.*—(1) The Government may make rules, either prospectively or retrospectively, for carrying out the purposes of this scheme.

(2) Every rule made under this scheme shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides 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 IV

FLOOD CESS AMNESTY, 2025

29. *Flood Cess Amnesty 2025.*—(1) Any taxpayer who is in arrears of any amount payable as Kerala Flood Cess under section 14 of the Kerala Finance Act, 2019 (5 of 2019) pertaining to the period from 1st August, 2019 to 31st July, 2021 may opt to settle the arrears by making complete payment of the flood cess payable.

(2) The taxpayer who intends to settle the arrears under the scheme shall, on or before 30th June, 2025, make electronic payment of the amount due as on the date of payment through e-treasury portal.

Explanation.—If a show cause notice issued under the Central Goods and Services Tax Act, 2017/Kerala State Goods and Services Tax Act, 2017 includes

the demand of flood cess along with the other demands under the said Acts and payment as per sub-section (1) is made to settle the flood cess payable as per the notice/order, then the demand to the extent of flood cess alone shall stand settled.

(3) Where an appeal filed by the Government is pending before any appellate or revisional authority under section 14 of the Kerala Finance Act, 2019 (5 of 2019) or any court, and the taxpayer has settled the arrears under the amnesty scheme by paying the demand as per the original order, the taxpayer shall intimate such settlement to—

(i) the appellate or revisional authority under the Kerala Finance Act, 2019 (5 of 2019) or any court; and

(ii) the jurisdictional proper officer.

(4) Upon verifying that the taxpayer has settled the arrears by making complete payment of the flood cess as per the demand in the original order, the jurisdictional proper officer shall intimate the settlement to the appellate or revisional authority under section 14 of the Kerala Finance Act, 2019 (5 of 2019) or the court, so that the appellate or revisional authority under the Act or the court may take decisions accordingly.

(5) Notwithstanding anything contained in the Kerala Revenue Recovery Act, 1968 (15 of 1968), reduction of arrears under sub-section (1) shall be applicable to those case in which revenue recovery proceedings have been initiated and the proper officer shall have the power to collect such amounts on settlement under sub-section (1) and where the amount is settled under sub-section (1) the revenue recovery proceedings against such assesseees shall be deemed to have withdrawn on the 1st day of April, 2025 which shall then be binding on the revenue authorities and such assesseees shall not be liable for payment of any collection charge leviable by such revenue authorities.

(6) Notwithstanding anything contained in this Act, or in any judgment, decree or order of any court, tribunal or appellate authority, there shall not be any refund or any adjustment subsequently for the amount settled under this scheme, under any circumstances.

30. *Power of Commissioner of State Tax.*—Subject to the provisions of the scheme, the Commissioner of State Tax may, from time to time, issue instructions and directions as he may deem fit for carrying out the purpose of the scheme.

31. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to any of the provisions of this scheme, the Commissioner of State Tax may, by order, not inconsistent with the provisions of this scheme, remove such difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date of commencement of the scheme.

(2) Every order issued under sub-section (1) shall be laid before the Legislative Assembly by the Government.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
19th March 2025.

DR. N. KRISHNA KUMAR,
Secretary.