

NOTIFICATION

The 1st June, 1999

No.LGL.45/93/147.--The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XIII OF 1999

(Received the Assent of the Governor on 29th May, 1999)

THE ASSAM TAXATION LAWS (AMENDMENT) ACT, 1999.

AN
ACT

further to amend the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939.

Preamble.

Whereas it is expedient further to amend the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939, in the manner hereinafter appearing ;

Assam
Act XII
of 1990
and Assam
Act IX of
1939.

It is hereby enacted in the Fiftieth Year of the Republic of India as follows :-

Short title,
extent and
commencement.

1.(1) This Act may be called The Assam Taxation Laws (Amendment) Act, 1999.

(2) It shall have the like extent as the respective Acts namely - the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939.

Assam
Act XII
of 1990
and Assam
Act IX of
1939.

(3) It shall be deemed to have come into force on the 1st day of April, 1999.

CHAPTER - I

Amendment to the Assam Taxation (On Specified Lands) Act, 1990.

Insertion of
new section
12A.

2. In the Assam Taxation (On Specified Lands) Act, 1990, after section 12, the following shall be inserted as section 12A, namely :-

Assam
Act XII
of 1990.

"Interest for
delayed
payment.

12A. If any owner does not pay the full amount of tax as per provision of this Act or the Rules made thereunder, by the date on which it falls due, simple

interest at the rate of two percentum per mensem with effect from the 1st day of the following month shall be payable by him on the amount by which the tax paid falls short of the tax payable. No interest under this section shall, however, be payable if the amount of tax is paid by the aforesaid due date is not less than ninety percentum of the tax payable."

CHAPTER-II

Amendments to the Assam Agricultural Income Tax Act, 1939.

Amendment of section 32. 3. In the Assam Agricultural Income Tax Act, 1939, hereinafter referred to as the principal Act, for the existing section 32, the following shall be substituted, namely :- Assam Act-IX of 1939.

"32. Tax and interest to be calculated to the nearest multiple of rupees ten. -- In the determination of the amount of Agricultural Income Tax, interest or a refund payable under this Act, if the amount is not a multiple of rupees ten, it shall be rounded off to the nearest multiple of ten rupees and, while calculating to achieve this purpose, if the total tax, interest or refund, as the case may be, contains a part of rupees ten which is amounting to rupees five or more, it shall be rounded off to the next higher multiple of rupees ten and, if such part is less than rupees five it shall be ignored."

Amendment of section 35. 4. In the principal Act, section 35B shall be deleted and sections 35C, 35D, 35E, 35F, 35G and 35H shall be renumbered respectively as sections 35B, 35C, 35D, 35E, 35F and 35G.

Insertion of a new section 35H. 5. In the principal Act, after section 35G as renumbered, the following new section 35H shall be inserted, namely :-

"35H. Interest for deferment of Advance tax.--

Where, in any financial year, the assessee, who is liable to pay advance tax under section 35 or 35A, has failed to pay such tax by the

prescribed date, he shall be liable to pay simple interest at the rate of one and half percent per month with effect from the immediate next day of the day as prescribed for payment of advance tax for the respective quarter, on the unpaid amount by which the tax to be paid for that quarter falls short, till the date of full payment of such short fall :

Provided, however, that the provisions of this section shall apply only upto the end of the financial year, after which the provision of section 35C as renumbered, shall apply.

Amendment of section 36. 6. In the principal Act, in section 36, in sub-section (2), the following proviso shall be inserted, namely :-

"Provided that no order of imposition of penalty under this section shall be made unless the assessee has been heard or has been given a reasonable opportunity of being heard."

Amendment of section 39. 7. In the principal Act, in section 39, in sub-section (2), in the last line, for the words, "six percent per annum", the words "twelve percent per annum" shall be substituted.

Amendment of section 39A. In the principal Act, section 39A shall be deleted and section 39B shall be renumbered as section 39A.

M. K. DEKA,
Secretary to the Govt. of Assam,
Legislative Department.